

## Calendar No. 517

114TH CONGRESS  
2D SESSION**S. 2829**

To amend and enhance certain maritime programs of the Department of Transportation, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 20, 2016

Mrs. FISCHER (for herself and Mr. BOOKER) introduced the following bill;  
which was read twice and referred to the Committee on Commerce,  
Science, and Transportation

JUNE 14, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To amend and enhance certain maritime programs of the  
Department of Transportation, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) ~~SHORT TITLE.—~~This Act may be cited as the  
5       ~~“Maritime Administration Authorization and Enhance-~~  
6       ~~ment Act for Fiscal Year 2017”.~~

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—MARITIME ADMINISTRATION AUTHORIZATION

Sec. 101. Authorization of the Maritime Administration.

Sec. 102. Maritime Administration authorization request.

#### TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY

Sec. 201. Actions to address sexual harassment and sexual assault at the  
United States Merchant Marine Academy.

Sec. 202. Sexual assault response coordinators and sexual assault victim advo-  
cates.

Sec. 203. Report from the Department of Transportation Inspector General.

Sec. 204. Sexual assault prevention and response working group.

#### TITLE III—MARITIME ADMINISTRATION ENHANCEMENT

Sec. 301. Status of National Defense Reserve Fleet vessels.

Sec. 302. Port infrastructure development.

Sec. 303. Use of State academy training vessels.

Sec. 304. State maritime academy physical standards and reporting.

Sec. 305. Authority to extend certain age restrictions relating to vessels partici-  
pating in the Maritime Security Fleet.

Sec. 306. Appointments.

Sec. 307. High-speed craft.

#### TITLE IV—IMPLEMENTATION OF WORKFORCE MANAGEMENT IMPROVEMENTS

Sec. 401. Workforce plans and onboarding policies.

Sec. 402. Drug and alcohol policy.

Sec. 403. Vessel transfers.

#### TITLE V—TECHNICAL AMENDMENTS

Sec. 501. Clarifying amendment; continuation boards.

Sec. 502. Prospective payment of funds necessary to provide medical care.

Sec. 503. Technical corrections to title 46 of the United States Code.

## 3 **TITLE I—MARITIME ADMINIS-** 4 **TRATION AUTHORIZATION**

### 5 **SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRA-** 6 **TION.**

7 There are authorized to be appropriated to the De-  
 8 partment of Transportation for fiscal year 2017, to be

1 available without fiscal year limitation if so provided in  
2 appropriations Acts, for programs of the United States  
3 Maritime Administration associated with maintaining na-  
4 tional security aspects of the merchant marine, the fol-  
5 lowing amounts:

6           (1) For expenses necessary for operations of the  
7       United States Merchant Marine Academy,  
8       \$99,902,000, of which—

9           (A) \$74,851,000 shall be for Academy op-  
10      erations; and

11          (B) \$25,051,000 shall remain available  
12      until expended for capital asset management at  
13      the Academy.

14          (2) For expenses necessary to support the State  
15      maritime academies, \$29,550,000, of which—

16          (A) \$2,400,000 shall remain available until  
17      September 30, 2018, for the Student Incentive  
18      Program;

19          (B) \$3,000,000 shall remain available until  
20      expended for direct payments to such acad-  
21      emies;

22          (C) \$22,000,000 shall remain available  
23      until expended for maintenance and repair of  
24      State maritime academy training vessels;

1           ~~(D)~~ \$1,800,000 shall remain available until  
2           expended for training ship fuel assistance; and

3           ~~(E)~~ \$350,000 shall remain available until  
4           expended for expenses to improve the moni-  
5           toring of the service obligations of graduates.

6           ~~(3)~~ For expenses necessary to support the Na-  
7           tional Security Multi-Mission Vessel Program,  
8           \$6,000,000, which shall remain available until ex-  
9           pended.

10          ~~(4)~~ For expenses necessary to support Maritime  
11          Administration operations and programs,  
12          \$57,142,000.

13          ~~(5)~~ For expenses necessary to dispose of vessels  
14          in the National Defense Reserve Fleet, \$20,000,000,  
15          which shall remain available until expended.

16          ~~(6)~~ For the cost (as defined in section 502(5)  
17          of the Federal Credit Reform Act of 1990 (2 U.S.C.  
18          661a(5))) of loan guarantees under the program au-  
19          thorized by chapter 537 of title 46, United States  
20          Code, \$3,000,000, which shall remain available until  
21          expended for administrative expenses of the pro-  
22          gram.

1 **SEC. 102. MARITIME ADMINISTRATION AUTHORIZATION RE-**  
 2 **QUEST.**

3 Section 109 of title 49, United States Code, is  
 4 amended by adding at the end the following:

5 “(k) SUBMISSION OF ANNUAL MARITIME ADMINIS-  
 6 TRATION AUTHORIZATION REQUEST.—

7 “(1) IN GENERAL.—Not later than 30 days  
 8 after the date on which the President submits to  
 9 Congress a budget for a fiscal year pursuant to sec-  
 10 tion 1105 of title 31, the Maritime Administrator  
 11 shall submit a Maritime Administration authoriza-  
 12 tion request with respect to such fiscal year to the  
 13 Committee on Commerce, Science, and Transpor-  
 14 tation of the Senate and the Committee on Trans-  
 15 portation and Infrastructure of the House of Rep-  
 16 resentatives.

17 “(2) DEFINED TERM.—In this subsection, the  
 18 term ‘Maritime Administration authorization re-  
 19 quest’ means a proposal for legislation that, with re-  
 20 spect to the Maritime Administration for the rel-  
 21 evant fiscal year—

22 “(A) recommends authorizations of appro-  
 23 priations for that fiscal year; and

24 “(B) addresses any other matter that the  
 25 Maritime Administrator determines is appro-

priate for inclusion in a Maritime Administration authorization bill.”.

## **TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY**

### **SEC. 201. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY.**

(a) POLICY.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

**“§ 51318. Policy on sexual harassment and sexual assault**

**“(a) REQUIRED POLICY.—**

**“(1) IN GENERAL.—**The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual assault applicable to the cadets and other personnel of the Academy.

**“(2) MATTERS TO BE SPECIFIED IN POLICY.—**

The policy on sexual harassment and sexual assault prescribed under this subsection shall include—

1           “(A) a program to promote awareness of  
2           the incidence of rape, acquaintance rape, and  
3           other sexual offenses of a criminal nature that  
4           involve cadets or other Academy personnel;

5           “(B) procedures that a cadet should follow  
6           in the case of an occurrence of sexual harass-  
7           ment or sexual assault, including—

8               “(i) specifying the person or persons  
9               to whom an alleged occurrence of sexual  
10              harassment or sexual assault should be re-  
11              ported by a cadet and the options for con-  
12              fidential reporting;

13              “(ii) specifying any other person  
14              whom the victim should contact; and

15              “(iii) procedures on the preservation  
16              of evidence potentially necessary for proof  
17              of criminal sexual assault;

18           “(C) a procedure for disciplinary action in  
19           cases of alleged criminal sexual assault involv-  
20           ing a cadet or other Academy personnel;

21           “(D) any other sanction authorized to be  
22           imposed in a substantiated case of sexual har-  
23           assment or sexual assault involving a cadet or  
24           other Academy personnel in rape, acquaintance

1 rape, or any other criminal sexual offense,  
2 whether forcible or nonforcible; and

3 “(E) required training on the policy for all  
4 cadets and other Academy personnel, including  
5 the specific training required for personnel who  
6 process allegations of sexual harassment or sex-  
7 ual assault involving Academy personnel.

8 “(3) AVAILABILITY OF POLICY.—The Secretary  
9 shall ensure that the policy developed under this  
10 subsection is available to—

11 “(A) all cadets and employees of the Acad-  
12 emy; and

13 “(B) the public.

14 “(4) CONSULTATION AND ASSISTANCE.—In de-  
15 veloping the policy under this subsection, the Sec-  
16 retary may consult or receive assistance from such  
17 Federal, State, local, and national organizations and  
18 subject matter experts as the Secretary considers ap-  
19 propriate.

20 “(b) DEVELOPMENT PROGRAM.—

21 “(1) IN GENERAL.—The Secretary of Transpor-  
22 tation shall ensure that the development program of  
23 the United States Merchant Marine Academy in-  
24 cludes a section that—



1           “(A) describes the relationship between  
2           honor, respect, and character development and  
3           the prevention of sexual harassment and sexual  
4           assault at the Academy; and

5           “(B) includes a brief history of the prob-  
6           lem of sexual harassment and sexual assault in  
7           the merchant marine, in the Armed Forces, and  
8           at the Academy; and

9           “(C) includes information relating to re-  
10          porting sexual harassment and sexual assault;  
11          victims’ rights, and dismissal for offenders.

12          “(2) TRAINING.—The Superintendent of the  
13          Academy shall ensure that all cadets receive the  
14          training described in paragraph (1)—

15               “(A) not later than 21 days after their ini-  
16               tial arrival at the Academy; and

17               “(B) annually thereafter until they grad-  
18               uate or leave the Academy.

19          “(c) ANNUAL ASSESSMENT.—

20               “(1) IN GENERAL.—The Secretary of Transpor-  
21               tation, in cooperation with the Superintendent of the  
22               Academy, shall conduct an assessment at the Acad-  
23               emy during each Academy program year to deter-  
24               mine the effectiveness of the policies, procedures,  
25               and training of the Academy with respect to sexual

1 harassment and sexual assault involving cadets or  
 2 other Academy personnel.

3 ~~“(2) BIENNIAL SURVEY.—~~For each assessment  
 4 of the Academy under paragraph (1) during an  
 5 Academy program year that begins in an odd-num-  
 6 bered calendar year, the Secretary shall conduct a  
 7 survey of cadets and other Academy personnel—

8 ~~“(A) to measure—~~

9 ~~“(i) the incidence, during that pro-~~  
 10 ~~gram year, of sexual harassment and sex-~~  
 11 ~~ual assault events, on or off the Academy~~  
 12 ~~campus, that have been reported to offi-~~  
 13 ~~cial of the Academy; and~~

14 ~~“(ii) the incidence, during that pro-~~  
 15 ~~gram year, of sexual harassment and sex-~~  
 16 ~~ual assault events, on or off the Academy~~  
 17 ~~campus, that have not been reported to of-~~  
 18 ~~ficials of the Academy; and~~

19 ~~“(B) to assess the perceptions of cadets~~  
 20 ~~and other Academy personnel on—~~

21 ~~“(i) the policies, procedures, and~~  
 22 ~~training on sexual harassment and sexual~~  
 23 ~~assault involving cadets or Academy per-~~  
 24 ~~sonnel;~~

1                   “(ii) the enforcement of the policies  
2                   described in clause (i);

3                   “(iii) the incidence of sexual harass-  
4                   ment and sexual assault involving cadets or  
5                   Academy personnel; and

6                   “(iv) any other issues relating to sex-  
7                   ual harassment and sexual assault involv-  
8                   ing cadets or Academy personnel.

9                   ~~“(3) FOCUS GROUPS FOR YEARS WHEN SURVEY~~  
10                  NOT REQUIRED.—In any year in which the Secretary  
11                  of Transportation is not required to conduct the sur-  
12                  vey described in paragraph (2), the Secretary shall  
13                  conduct focus groups at the Academy for the pur-  
14                  poses of ascertaining information relating to sexual  
15                  assault and sexual harassment issues at the Acad-  
16                  emy.

17                  ~~“(d) ANNUAL REPORT.—~~

18                  ~~“(1) IN GENERAL.—~~The Superintendent of the  
19                  Academy shall submit a report to the Secretary of  
20                  Transportation that provides information about sex-  
21                  ual harassment and sexual assault involving cadets  
22                  or other personnel at the Academy for each Acad-  
23                  emy program year.

1           ~~“(2) CONTENTS.—Each report submitted under~~  
 2           ~~paragraph (1) shall include, for the Academy pro-~~  
 3           ~~gram year covered by the report—~~

4                   ~~“(A) the number of sexual assaults, rapes,~~  
 5                   ~~and other sexual offenses involving cadets or~~  
 6                   ~~other Academy personnel that have been re-~~  
 7                   ~~ported to Academy officials;~~

8                   ~~“(B) the number of the reported cases de-~~  
 9                   ~~scribed in subparagraph (A) that have been~~  
 10                  ~~substantiated;~~

11                  ~~“(C) the policies, procedures, and training~~  
 12                  ~~implemented by the Superintendent and the~~  
 13                  ~~leadership of the Academy in response to sexual~~  
 14                  ~~harassment and sexual assault involving cadets~~  
 15                  ~~or other Academy personnel; and~~

16                  ~~“(D) a plan for the actions that will be~~  
 17                  ~~taken in the following Academy program year~~  
 18                  ~~regarding prevention of, and response to, sexual~~  
 19                  ~~harassment and sexual assault involving cadets~~  
 20                  ~~or other Academy personnel.~~

21           ~~“(3) SURVEY AND FOCUS GROUP RESULTS.—~~

22                   ~~“(A) SURVEY RESULTS.—Each report~~  
 23                   ~~under paragraph (1) for an Academy program~~  
 24                   ~~year that begins in an odd-numbered calendar~~  
 25                   ~~year shall include the results of the survey con-~~

ducted in that program year under subsection  
(e)(2).

“(B) FOCUS GROUP RESULTS.—Each report under paragraph (1) for an Academy program year in which the Secretary of Transportation is not required to conduct the survey described (e)(2) shall include the results of the focus group conducted in that program year under subsection (e)(3).

“(4) REPORTING REQUIREMENT.—

“(A) BY THE SUPERINTENDENT.—For each incident of sexual harassment or sexual assault reported to the Superintendent under this subsection, the Superintendent shall provide the Secretary of Transportation and the Board of Visitors of the Academy with a report that includes—

“(i) the facts surrounding the incident, except for any details that would reveal the identities of the people involved; and

“(ii) the Academy’s response to the incident.

“(B) BY THE SECRETARY.—The Secretary shall submit a copy of each report received

1 under subparagraph (A) and the Secretary's  
 2 comments on the report to the Committee on  
 3 Commerce, Science, and Transportation of the  
 4 Senate and the Committee on Transportation  
 5 and Infrastructure of the House of Representa-  
 6 tives.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
 8 for chapter 513 of title 46, United States Code, is amend-  
 9 ed by adding at the end the following:

“51318. Policy on sexual harassment and sexual assault.”.

10 **SEC. 202. SEXUAL ASSAULT RESPONSE COORDINATORS**  
 11 **AND SEXUAL ASSAULT VICTIM ADVOCATES.**

12 (a) COORDINATORS AND ADVOCATES.—Chapter 513  
 13 of title 46, United States Code, as amended by section  
 14 201, is further amended by adding at the end the fol-  
 15 lowing:

16 **“§ 51319. Sexual assault response coordinators and**  
 17 **sexual assault victim advocates**

18 **“(a) SEXUAL ASSAULT RESPONSE COORDINA-**  
 19 **TORS.—**The United States Merchant Marine Academy  
 20 shall employ or contract with at least 1 full-time sexual  
 21 assault response coordinator who shall reside on or near  
 22 the Academy. The Secretary of Transportation may assign  
 23 additional full-time or part-time sexual assault response  
 24 coordinators at the Academy as may be necessary.

1       “(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVOCATE.—

2       “(1) IN GENERAL.—The Secretary of Transportation, acting through the Superintendent of the United States Merchant Marine Academy, shall designate 1 or more permanent employees who volunteer to serve as advocates for victims of sexual assaults involving—

3               “(A) cadets of the Academy; or

4               “(B) individuals who work with or conduct business on behalf of the Academy.

5       “(2) TRAINING; OTHER DUTIES.—Each victim advocate designated under this subsection shall—

6               “(A) have or receive training in matters relating to sexual assault and the comprehensive policy developed under section 51318 of title 46, United States Code, as added by section 201; and

7               “(B) serve as a victim advocate voluntarily, in addition to the individual’s other duties as an employee of the Academy.

8       “(3) PRIMARY DUTIES.—While performing the duties of a victim advocate under this subsection, a designated employee shall—

1           “(A) support victims of sexual assault by  
2           informing them of the rights and resources  
3           available to them as victims;

4           “(B) identify additional resources to en-  
5           sure the safety of victims of sexual assault; and

6           “(C) connect victims of sexual assault to  
7           an Academy sexual assault response coordi-  
8           nator, or full-time or part-time victim advocate,  
9           who shall act as a companion in navigating in-  
10          vestigative, medical, mental and emotional  
11          health, and recovery processes relating to sexual  
12          assault.

13          “(4) COMPANION.—At least 1 victim advocate  
14          designated under this subsection, while performing  
15          the duties of a victim advocate, shall act as a com-  
16          panion in navigating investigative, medical, mental  
17          and emotional health, and recovery processes relat-  
18          ing to sexual assault.

19          “(5) HOTLINE.—The Secretary shall establish a  
20          24-hour hotline through which the victim of a sexual  
21          assault can receive victim support services.

22          “(6) FORMAL RELATIONSHIPS WITH OTHER EN-  
23          TITIES.—The Secretary may enter into formal rela-  
24          tionships with other entities to make available addi-



1 tional victim advocates or to implement paragraphs  
2 (3), (4), and (5).”.

3 (b) ~~CLERICAL AMENDMENT.~~—The table of sections  
4 for chapter 513 of title 46, United States Code, is amend-  
5 ed by adding at the end the following:

“51319. Sexual assault response coordinators and sexual assault victim advo-  
cates.”.

6 **SEC. 203. REPORT FROM THE DEPARTMENT OF TRANSPOR-**  
7 **TATION INSPECTOR GENERAL.**

8 (a) ~~IN GENERAL.~~—Not later than March 31, 2018,  
9 the Inspector General of the Department of Transpor-  
10 tation shall submit a report to the Committee on Com-  
11 merce, Science, and Transportation of the Senate and the  
12 Committee on Transportation and Infrastructure of the  
13 House of Representatives that describes the effectiveness  
14 of the sexual harassment and sexual assault prevention  
15 and response program at the United States Merchant Ma-  
16 rine Academy.

17 (b) ~~CONTENTS.~~—The report required under sub-  
18 section (a) shall—

19 (1) assess progress toward addressing any out-  
20 standing recommendations;

21 (2) include any recommendations to reduce the  
22 number of sexual assaults involving members of the  
23 United States Merchant Marine Academy, whether a  
24 member is the victim, the alleged assailant, or both;

1           (3) include any recommendations to improve  
 2           the response of the Department of Transportation  
 3           and the United States Merchant Marine Academy to  
 4           reports of sexual assaults involving members of the  
 5           Academy, whether a members is the victim, the al-  
 6           leged assailant, or both.

7           (c) EXPERTISE.—In compiling the report required  
 8           under this section, the inspection teams acting under the  
 9           direction of the Inspector General shall—

10           (1) include at least 1 member with expertise  
 11           and knowledge of sexual assault prevention and re-  
 12           sponse policies; or

13           (2) consult with subject matter experts in the  
 14           prevention of and response to sexual assaults.

15   **SEC. 204. SEXUAL ASSAULT PREVENTION AND RESPONSE**  
 16           **WORKING GROUP.**

17           (a) IN GENERAL.—Not later than 90 days after the  
 18           date of the enactment of this Act, the Maritime Adminis-  
 19           trator shall convene a working group to examine methods  
 20           to improve the prevention of, and response to, any sexual  
 21           harassment or sexual assault that occurs during a Cadet's  
 22           Sea Year experience with the United States Merchant Ma-  
 23           rine Academy.

24           (b) MEMBERSHIP.—The Maritime Administrator  
 25           shall designate individuals to serve as members of the

1 working group convened pursuant to subsection (a). Mem-  
2 bership in the working group shall consist of—

3           (1) a representative of the Maritime Adminis-  
4 tration, which shall serve as chair of the working  
5 group;

6           (2) the Superintendent of the Academy, or des-  
7 ignee;

8           (3) the sexual assault response coordinator ap-  
9 pointed under section 51319 of title 46, United  
10 States Code;

11           (4) a subject matter expert from the United  
12 States Coast Guard;

13           (5) a subject matter expert from the Military  
14 Sealift Command;

15           (6) at least 1 representative from each of the  
16 State maritime academies;

17           (7) at least 1 representative from each private  
18 contracting party participating in the maritime secu-  
19 rity program;

20           (8) at least 1 representative from each non-  
21 profit labor organization representing a class or  
22 craft of employees employed on vessels in the Mari-  
23 time Security Fleet;

24           (9) at least 2 representatives from approved  
25 maritime training institutions; and

1           (10) at least 1 representative from companies  
2       that—

3           (A) participate in sea training of Academy  
4       cadets; and

5           (B) do not participate in the maritime se-  
6       curity program.

7       (c) NO QUORUM REQUIREMENT.—The Maritime Ad-  
8       ministration may convene the working group without all  
9       members present.

10       (d) RESPONSIBILITIES.—The working group shall—

11           (1) evaluate options that could promote a cli-  
12       mate of honor and respect, and a culture that is in-  
13       tolerant of sexual harassment and sexual assault and  
14       those who commit it, across the United States flag  
15       fleet;

16           (2) raise awareness of the United States Mer-  
17       chant Marine Academy's sexual assault prevention  
18       and response program across the United States flag  
19       fleet;

20           (3) assess options that could be implemented by  
21       the United States flag fleet that would remove any  
22       barriers to the reporting of sexual harassment and  
23       sexual assault response that occur during a Cadet's  
24       Sea Year experience and protect the victim's con-  
25       fidentiality;

(4) assess a potential program or policy, applicable to all participants of the maritime security program, to improve the prevention of, and response to, sexual harassment and sexual assault incidents;

(5) assess a potential program or policy, applicable to all vessels operating in the United States flag fleet that participate in the Maritime Security Fleet under section 53101 of title 46, United States Code, which carry cargos to which chapter 531 of such title applies, or are chartered by a Federal agency, requiring crews to complete a sexual harassment and sexual assault prevention and response training program before the Cadet's Sea Year that includes—

(A) fostering a shipboard climate—

(i) that does not tolerate sexual harassment and sexual assault;

(ii) in which persons assigned to vessel crews are encouraged to intervene to prevent potential incidents of sexual harassment or sexual assault; and

(iii) that encourages victims of sexual assault to report any incident of sexual harassment or sexual assault; and

1           (B) understanding the needs of, and the  
2           resources available to, a victim after an incident  
3           of sexual harassment or sexual assault;

4           (6) assess whether the United States Merchant  
5           Marine Academy should continue with sea year  
6           training on privately owned vessels or change its  
7           curricula to provide alternative training; and

8           (7) assess how vessel operators could ensure the  
9           confidentiality of a report of sexual harassment or  
10          sexual assault in order to protect the victim and pre-  
11          vent retribution.

12          (c) REPORT.—Not later than 15 months after the  
13          date of the enactment of this Act, the working group shall  
14          submit a report to the Committee on Commerce, Science,  
15          and Transportation of the Senate and the Committee on  
16          Transportation and Infrastructure of the House of Rep-  
17          resentatives that includes—

18               (1) recommendations on each of the working  
19               group's responsibilities described in subsection (d);

20               (2) the trade-offs, opportunities, and challenges  
21               associated with the recommendations made in para-  
22               graph (1); and

23               (3) any other information the working group  
24               determines appropriate.

1 **TITLE III—MARITIME ADMINIS-**  
 2 **TRATION ENHANCEMENT**

3 **SEC. 301. STATUS OF NATIONAL DEFENSE RESERVE FLEET**  
 4 **VESSELS.**

5 Section 4405 of title 50, United States Code, is  
 6 amended—

7 (1) in subsection (a), by adding at the end the  
 8 following: “Vessels in the National Defense Reserve  
 9 Fleet, including vessels loaned to State maritime  
 10 academies, shall be considered public vessels of the  
 11 United States.”; and

12 (2) by adding at the end the following:

13 “(g) VESSEL STATUS.—Ships or other watercraft in  
 14 the National Defense Reserve Fleet determined by the  
 15 Maritime Administration to be of insufficient value to re-  
 16 main in the National Defense Reserve Fleet—

17 “(1) shall remain vessels (as defined in section  
 18 3 of title 1); and

19 “(2) shall remain subject to the rights and re-  
 20 sponsibilities of a vessel under admiralty law until  
 21 such time as the vessel is delivered to a dismantling  
 22 facility or is otherwise disposed of from the National  
 23 Defense Reserve Fleet.”.

1 **SEC. 302. PORT INFRASTRUCTURE DEVELOPMENT.**

2 Section 50302(c)(4) of title 46, United States Code,  
3 is amended—

4 (1) by striking “There are authorized” and in-  
5 serting the following:

6 “(A) IN GENERAL.—There are author-  
7 ized”; and

8 (2) by adding at the end the following:

9 “(B) ADMINISTRATIVE EXPENSES.—Ex-  
10 cept as otherwise provided by law, the Adminis-  
11 trator may use not more than 3 percent of the  
12 amounts appropriated to carry out this section  
13 for the administrative expenses of the pro-  
14 gram.”.

15 **SEC. 303. USE OF STATE ACADEMY TRAINING VESSELS.**

16 Section 51504(g) of title 46, United States Code, is  
17 amended to read as follows:

18 “(g) VESSEL SHARING.—The Secretary, after con-  
19 sulting with the affected State maritime academies, may  
20 implement a program requiring a State maritime academy  
21 to share its training vessel with another State maritime  
22 academy if the vessel of another State maritime acad-  
23 emy—

24 “(1) is being used during a humanitarian as-  
25 sistance or disaster response activity;



1           “(2) is incapable of being maintained in good  
2       repair as required under section 51504(e) of title 46,  
3       United States Code;

4           “(3) requires maintenance or repair for an ex-  
5       tended period;

6           “(4) is activated as a National Defense Reserve  
7       Fleet vessel pursuant to section 4405 of title 50,  
8       United States Code;

9           “(5) loses its United States Coast Guard Cer-  
10      tificate of Inspection or its classification; or

11          “(6) does not comply with applicable environ-  
12      mental regulations.”.

13   **SEC. 304. STATE MARITIME ACADEMY PHYSICAL STAND-**  
14           **ARDS AND REPORTING.**

15       Section 51506 of title 46, United States Code, is  
16   amended—

17           (1) in subsection (a)—

18               (A) in the matter preceding paragraph (1),  
19       by striking “must” and inserting “shall”;

20               (B) in paragraph (2), by striking “and” at  
21       the end;

22               (C) in paragraph (3), by striking the pe-  
23       riod at the end and inserting “; and”; and

24               (D) by adding at the end the following:

1           “(4) agree that any individual enrolled at such  
2       State maritime academy in a merchant marine offi-  
3       cer preparation program—

4           “(A) shall, not later than 9 months after  
5       each such individual’s date of enrollment, pass  
6       an examination in form and substance satisfac-  
7       tory to the Secretary that demonstrates that  
8       such individual meets the medical and physical  
9       requirements—

10           “(i) required for the issuance of an  
11       original license under section 7101; or

12           “(ii) set by the United States Coast  
13       Guard for issuing merchant mariners’ doc-  
14       umentation under section 7302, with no  
15       limit to his or her operational authority;

16           “(B) following passage of the examination  
17       under subparagraph (A), shall continue to meet  
18       the requirements or standards described in sub-  
19       paragraph (A) throughout the remainder of  
20       their respective enrollments at the State mari-  
21       time academy; and

22           “(C) if the individual has a medical or  
23       physical condition that disqualifies him or her  
24       from meeting the requirements or standards re-  
25       ferred to in subparagraph (A), shall be trans-

ferred to a program other than a merchant marine officer preparation program, or otherwise appropriately disenrolled from such State maritime academy, until the individual demonstrates to the Secretary that the individual meets such requirements or standards.”; and

(2) by adding at the end the following:

“(e) SECRETARIAL WAIVER AUTHORITY.—The Secretary is authorized to modify or waive any of the terms set forth in subsection (a)(4) with respect to any individual or State maritime academy.”.

**SEC. 305. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING TO VESSELS PARTICIPATING IN THE MARITIME SECURITY FLEET.**

(a) IN GENERAL.—Section 53102 of title 46, United States Code, is amended by adding at the end the following:

“(g) AUTHORITY FOR EXTENSION OF MAXIMUM SERVICE AGE FOR A PARTICIPATING FLEET VESSEL.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may extend the maximum age restrictions under sections 53101(5)(A)(ii) and 53106(e)(3) for a particular participating fleet vessel for up to 5 years if the Secretary of Defense and the Secretary

1 of Transportation jointly determine that such extension is  
 2 in the national interest.”.

3 (b) ~~REPEAL OF UNNECESSARY AGE LIMITATION.~~—

4 Section ~~53106(c)(3)~~ of such title is amended—

5 (1) in subparagraph (A), by striking “or (C);”  
 6 and inserting “; or”;

7 (2) in subparagraph (B), by striking “; or” at  
 8 the end and inserting a period; and

9 (3) by striking subparagraph (C).

10 **SEC. 306. APPOINTMENTS.**

11 (a) ~~IN GENERAL.~~—Section 51303 of title 46, United  
 12 States Code, is amended by striking “40” and inserting  
 13 “50”.

14 (b) ~~CLASS PROFILE.~~—Not later than August 31 of  
 15 each year, the Superintendent of the United States Mer-  
 16 chant Marine Academy shall post on the Academy’s public  
 17 website a summary profile of each class at the Academy.

18 (c) ~~CONTENTS.~~—Each summary profile posted under  
 19 subsection (b) shall include, for the incoming class and  
 20 for the 4 classes that precede the incoming class, the num-  
 21 ber and percentage of students—

22 (1) by State;

23 (2) by country;

24 (3) by gender;

25 (4) by race and ethnicity; and

1           ~~(5) with prior military service.~~

2   **SEC. 307. HIGH-SPEED CRAFT.**

3           ~~Notwithstanding section 3316(a) of title 46, United~~  
 4   ~~States Code, the Secretary of the Navy may select a classi-~~  
 5   ~~fication society recognized and authorized by the Secretary~~  
 6   ~~to provide a classification for high-speed craft.~~

7   **TITLE IV—IMPLEMENTATION OF**  
 8       **WORKFORCE MANAGEMENT**  
 9       **IMPROVEMENTS**

10   **SEC. 401. WORKFORCE PLANS AND ONBOARDING POLICIES.**

11       ~~(a) WORKFORCE PLANS.—~~Not later than 180 days  
 12   ~~after the date of the enactment of this Act, the Adminis-~~  
 13   ~~trator of the United States Maritime Administration shall~~  
 14   ~~review the Maritime Administration’s workforce plans, in-~~  
 15   ~~cluding its Strategic Human Capital Plan and Leadership~~  
 16   ~~Succession Plan, and fully implement competency models~~  
 17   ~~for mission-critical occupations, including—~~

18           ~~(1) leadership positions;~~

19           ~~(2) human resources positions; and~~

20           ~~(3) transportation specialist positions.~~

21       ~~(b) ONBOARDING POLICIES.—~~Not later than 180  
 22   ~~days after the date of the enactment of this Act, the Ad-~~  
 23   ~~ministrator shall—~~

1           (1) review the Maritime Administration's poli-  
 2           cies related to new hire orientation, training, and  
 3           misconduct policies;

4           (2) align the onboarding policies and procedures  
 5           at headquarters and the field offices to ensure con-  
 6           sistent implementation and provision of critical in-  
 7           formation across the Maritime Administration; and

8           (3) update the Maritime Administration's train-  
 9           ing policies and training systems to include controls  
 10          that ensure that all completed training is tracked in  
 11          a standardized training repository.

12       (c) **ONBOARDING POLICIES.**—Not later than 9  
 13       months after the date of the enactment of this Act, the  
 14       Administrator shall submit a report to the Committee on  
 15       Commerce, Science, and Transportation of the Senate and  
 16       the Committee on Transportation and Infrastructure of  
 17       the House of Representatives that describes the Maritime  
 18       Administration's compliance with the requirements under  
 19       this section.

20       **SEC. 402. DRUG AND ALCOHOL POLICY.**

21       (a) **REVIEW.**—Not later than 9 months after the date  
 22       of the enactment of this Act, the Maritime Administrator  
 23       shall—

1           (1) review the Maritime Administration's drug  
2           and alcohol policies, procedures, and training prac-  
3           tices;

4           (2) ensure that all fleet managers have received  
5           training on the Department of Transportation's  
6           drug and alcohol policy, including the testing proce-  
7           dures used by the Department and the Maritime Ad-  
8           ministration in cases of reasonable suspicion; and

9           (3) institute a system for tracking all drug and  
10          alcohol policy training conducted under paragraph  
11          (2) in a standardized training repository.

12       (b) REPORT.—Not later than 1 year after the date  
13       of the enactment of this Act, the Administrator shall sub-  
14       mit a report to the Committee on Commerce, Science, and  
15       Transportation of the Senate and the Committee on  
16       Transportation and Infrastructure of the House of Rep-  
17       resentatives that describes the Maritime Administration's  
18       compliance with the requirements under this section.

19       **SEC. 403. VESSEL TRANSFERS.**

20       Not later than 9 months after the date of the enact-  
21       ment of this Act, the Maritime Administrator shall submit  
22       a report to the Committee on Commerce, Science, and  
23       Transportation of the Senate and the Committee on  
24       Transportation and Infrastructure of the House of Rep-

1 representatives that describes the policies and procedures for  
 2 vessel transfer, including—

3           (1) a summary of the actions taken to update  
 4 the Vessel Transfer Office procedures manual to re-  
 5 flect the current range of program responsibilities  
 6 and processes; and

7           (2) a copy of the updated Vessel Transfer Of-  
 8 fice procedures to process vessel transfer applica-  
 9 tions.

## 10                   **TITLE V—TECHNICAL** 11                   **AMENDMENTS**

### 12 **SEC. 501. CLARIFYING AMENDMENT; CONTINUATION** 13 **BOARDS.**

14       Section 290(a) of title 14, United States Code, is  
 15 amended by striking “five officers serving in the grade of  
 16 vice admiral” and inserting “5 officers (other than the  
 17 Commandant) serving in the grade of admiral or vice ad-  
 18 miral”.

### 19 **SEC. 502. PROSPECTIVE PAYMENT OF FUNDS NECESSARY** 20 **TO PROVIDE MEDICAL CARE.**

21       (a) **IN GENERAL.**—Chapter 13 of title 14, United  
 22 States Code, is amended by adding at the end the fol-  
 23 lowing:



1 **“§ 520. Prospective payment of funds necessary to**  
 2 **provide medical care**

3 “(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of  
 4 the reimbursement required under section 1085 of title 10,  
 5 the Secretary of Homeland Security shall make a prospec-  
 6 tive payment to the Secretary of Defense of an amount  
 7 that represents the actuarial valuation of treatment or  
 8 care—

9 “(1) that the Department of Defense shall pro-  
 10 vide to members of the Coast Guard, former mem-  
 11 bers of the Coast Guard, and dependents of such  
 12 members and former members (other than former  
 13 members and dependents of former members who  
 14 are a Medicare-eligible beneficiary or for whom the  
 15 payment for treatment or care is made from the  
 16 Medicare-Eligible Retiree Health Care Fund) at fa-  
 17 cilities under the jurisdiction of the Department of  
 18 Defense or a military department; and

19 “(2) for which a reimbursement would other-  
 20 wise be made under such section 1085.

21 “(b) AMOUNT.—The amount of the prospective pay-  
 22 ment under subsection (a)—

23 “(1) shall be derived from amounts appro-  
 24 priated for the operating expenses of the Coast  
 25 Guard for treatment or care provided to members of  
 26 the Coast Guard and their dependents;

1           “(2) shall be derived from amounts appro-  
 2           priated for retired pay for treatment or care pro-  
 3           vided to former members of the Coast Guard and  
 4           their dependents;

5           “(3) shall be determined under procedures es-  
 6           tablished by the Secretary of Defense;

7           “(4) shall be paid during the fiscal year in  
 8           which treatment or care is provided; and

9           “(5) shall be subject to adjustment or reconcili-  
 10          ation, as the Secretary of Homeland Security and  
 11          the Secretary of Defense jointly determine appro-  
 12          priate, during or promptly after such fiscal year if  
 13          the prospective payment is determined excessive or  
 14          insufficient based on the services actually provided.

15          “(e) NO PROSPECTIVE PAYMENT WHEN SERVICE IN  
 16          NAVY.—No prospective payment shall be made under this  
 17          section for any period during which the Coast Guard oper-  
 18          ates as a service in the Navy.

19          “(d) RELATIONSHIP TO TRICARE.—This section  
 20          shall not be construed to require a payment for, or the  
 21          prospective payment of an amount that represents the  
 22          value of, treatment or care provided under any TRICARE  
 23          program.”.

1       (b) ~~CLERICAL AMENDMENT.~~—The analysis for chap-  
 2   ter ~~13~~ of title 14, United States Code, is amended by add-  
 3   ing at the end the following:

“520. Prospective payment of funds necessary to provide medical care.”.

4       (c) ~~REPEAL.~~—Section 217 of the Coast Guard Au-  
 5   thorization Act of 2016 (Public Law 114–120) and the  
 6   item relating to that section in the table of contents in  
 7   section 2 of such Act, are repealed.

8   **SEC. 503. TECHNICAL CORRECTIONS TO TITLE 46 OF THE**  
 9                           **UNITED STATES CODE.**

10       (a) ~~IN GENERAL.~~—Title 46, United States Code, is  
 11   amended—

12               (1) in section 4503(f)(2), by striking “that”  
 13       after “necessary,”; and

14               (2) in section 7510(c)—

15                       (A) in paragraph (1)(D), by striking “en-  
 16                       gine” and inserting “engineer”; and

17                       (B) in paragraph (9), by inserting a period  
 18                       after “App”.

19       (b) ~~EFFECTIVE DATE.~~—The amendments made by  
 20   subsection (a) shall take effect on the date of the enact-  
 21   ment of the Coast Guard Authorization Act of 2015 (Pub-  
 22   lic Law 114–120).

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 3 *“Maritime Administration Authorization and Enhance-*  
 4 *ment Act for Fiscal Year 2017”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 6 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

**TITLE I—MARITIME ADMINISTRATION AUTHORIZATION**

*Sec. 101. Authorization of the maritime administration.*

*Sec. 102. Maritime Administration authorization request.*

**TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT AT  
THE UNITED STATES MERCHANT MARINE ACADEMY**

*Sec. 201. Actions to address sexual harassment and sexual assault at the United  
States Merchant Marine Academy.*

*Sec. 202. Sexual assault response coordinators and sexual assault victim advo-  
cates.*

*Sec. 203. Report from the Department of Transportation Inspector General.*

*Sec. 204. Sexual assault prevention and response working group.*

**TITLE III—MARITIME ADMINISTRATION ENHANCEMENT**

*Sec. 301. Status of National Defense Reserve Fleet vessels.*

*Sec. 302. Port infrastructure development.*

*Sec. 303. Use of State academy training vessels.*

*Sec. 304. State maritime academy physical standards and reporting.*

*Sec. 305. Authority to extend certain age restrictions relating to vessels partici-  
pating in the maritime security fleet.*

*Sec. 306. Appointments.*

*Sec. 307. High-speed craft classification services.*

*Sec. 308. Maritime workforce working group.*

*Sec. 309. Vessel disposal program.*

*Sec. 310. Maritime extreme weather task force.*

*Sec. 311. Penalty wages.*

*Sec. 312. Recourse for noncitizens.*

*Sec. 313. Floating dry docks.*

**TITLE IV—IMPLEMENTATION OF WORKFORCE MANAGEMENT  
IMPROVEMENTS**

*Sec. 401. Workforce plans and onboarding policies.*

*Sec. 402. Drug and alcohol policy.*

*Sec. 403. Vessel transfers.*

**TITLE V—TECHNICAL AMENDMENTS**

*Sec. 501. Clarifying amendment; continuation boards.*

*Sec. 502. Prospective payment of funds necessary to provide medical care.*

*Sec. 503. Technical corrections to title 46, United States Code.*

*Sec. 504. Coast Guard use of the Pribilof Islands.*

**TITLE VI—POLAR ICEBREAKER FLEET RECAPITALIZATION  
TRANSPARENCY ACT**

*Sec. 601. Short title.*

*Sec. 602. Definitions.*

*Sec. 603. Authority for polar icebreaker acquisition.*

*Sec. 604. Polar icebreaker recapitalization plan.*

*Sec. 605. GAO report icebreaking capability in the United States.*

**TITLE VII—VESSEL INCIDENTAL DISCHARGE ACT**

*Sec. 701. Short title.*

*Sec. 702. Findings; purpose.*

*Sec. 703. Definitions.*

*Sec. 704. Regulation and enforcement.*

*Sec. 705. Uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel.*

*Sec. 706. Treatment technology certification.*

*Sec. 707. Exemptions.*

*Sec. 708. Alternative compliance program.*

*Sec. 709. Judicial review.*

*Sec. 710. Effect on State authority.*

*Sec. 711. Application with other statutes.*

*Sec. 712. Relationship to other laws.*

*Sec. 713. Savings provision.*

**TITLE VIII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
SEXUAL HARASSMENT AND ASSAULT PREVENTION ACT**

*Sec. 801. Short title.*

**Subtitle A—Sexual Harassment and Assault Prevention at the National  
Oceanic and Atmospheric Administration**

*Sec. 811. Actions to address sexual harassment at National Oceanic and Atmospheric Administration.*

*Sec. 812. Actions to address sexual assault at National Oceanic and Atmospheric Administration.*

*Sec. 813. Rights of the victim of a sexual assault.*

*Sec. 814. Change of station.*

*Sec. 815. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract.*

*Sec. 816. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.*

*Sec. 817. Definition.*

**Subtitle B—Commissioned Officer Corps of the National Oceanic and  
Atmospheric Administration**

*Sec. 820. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.*

**PART I—GENERAL PROVISIONS**

*Sec. 821. Strength and distribution in grade.*

- Sec. 822. Recalled officers.*
- Sec. 823. Obligated service requirement.*
- Sec. 824. Training and physical fitness.*
- Sec. 825. Recruiting materials.*
- Sec. 826. Charter vessel safety policy.*
- Sec. 827. Technical correction.*

#### *PART II—PARITY AND RECRUITMENT*

- Sec. 831. Education loans.*
- Sec. 832. Interest payments.*
- Sec. 833. Student pre-commissioning program.*
- Sec. 834. Limitation on educational assistance.*
- Sec. 835. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.*
- Sec. 836. Applicability of certain provisions of title 37, United States Code.*
- Sec. 837. Legion of Merit award.*
- Sec. 838. Prohibition on retaliatory personnel actions.*
- Sec. 839. Penalties for wearing uniform without authority.*
- Sec. 840. Application of certain provisions of competitive service law.*
- Sec. 841. Employment and reemployment rights.*
- Sec. 842. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.*
- Sec. 843. Direct hire authority.*

#### *PART III—APPOINTMENTS AND PROMOTION OF OFFICERS*

- Sec. 851. Appointments.*
- Sec. 852. Personnel boards.*
- Sec. 853. Delegation of authority.*
- Sec. 854. Assistant Administrator of the Office of Marine and Aviation Operations.*
- Sec. 855. Temporary appointments.*
- Sec. 856. Officer candidates.*
- Sec. 857. Procurement of personnel.*

#### *PART IV—SEPARATION AND RETIREMENT OF OFFICERS*

- Sec. 861. Involuntary retirement or separation.*
- Sec. 862. Separation pay.*

#### *Subtitle C—Hydrographic Services*

- Sec. 871. Reauthorization of Hydrographic Services Improvement Act of 1998.*

1 ***TITLE I—MARITIME ADMINIS-***  
 2 ***TRATION AUTHORIZATION***

3 ***SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRA-***  
 4 ***TION.***

5 *There are authorized to be appropriated to the Depart-*  
 6 *ment of Transportation for fiscal year 2017, to be available*  
 7 *without fiscal year limitation if so provided in appropria-*  
 8 *tions Acts, for programs associated with maintaining the*  
 9 *United States merchant marine, the following amounts:*

10 *(1) For expenses necessary for operations of the*  
 11 *United States Merchant Marine Academy,*  
 12 *\$99,902,000, of which—*

13 *(A) \$74,851,000 shall be for Academy oper-*  
 14 *ations; and*

15 *(B) \$25,051,000 shall remain available*  
 16 *until expended for capital asset management at*  
 17 *the Academy.*

18 *(2) For expenses necessary to support the State*  
 19 *maritime academies, \$29,550,000, of which—*

20 *(A) \$2,400,000 shall remain available until*  
 21 *September 30, 2018, for the Student Incentive*  
 22 *Program;*

23 *(B) \$3,000,000 shall remain available until*  
 24 *expended for direct payments to such academies;*

1           (C) \$22,000,000 shall remain available  
2           until expended for maintenance and repair of  
3           State maritime academy training vessels;

4           (D) \$1,800,000 shall remain available until  
5           expended for training ship fuel assistance; and

6           (E) \$350,000 shall remain available until  
7           expended for expenses to improve the monitoring  
8           of the service obligations of graduates.

9           (3) For expenses necessary to support the Na-  
10          tional Security Multi-Mission Vessel Program,  
11          \$6,000,000, which shall remain available until ex-  
12          pended.

13          (4) For expenses necessary to support Maritime  
14          Administration operations and programs,  
15          \$57,142,000.

16          (5) For expenses necessary to dispose of vessels in  
17          the National Defense Reserve Fleet, \$20,000,000,  
18          which shall remain available until expended.

19          (6) For the cost (as defined in section 502(5) of  
20          the Federal Credit Reform Act of 1990 (2 U.S.C.  
21          661a(5))) of loan guarantees under the program au-  
22          thorized by chapter 537 of title 46, United States  
23          Code, \$3,000,000, which shall remain available until  
24          expended for administrative expenses of the program.



1 **SEC. 102. MARITIME ADMINISTRATION AUTHORIZATION RE-**  
 2 **QUEST.**

3 *Section 109 of title 49, United States Code, is amended*  
 4 *by adding at the end the following:*

5 *“(k) SUBMISSION OF ANNUAL MARITIME ADMINISTRA-*  
 6 *TION AUTHORIZATION REQUEST.—*

7 *“(1) IN GENERAL.—Not later than 30 days after*  
 8 *the date on which the President submits to Congress*  
 9 *a budget for a fiscal year pursuant to section 1105*  
 10 *of title 31, the Maritime Administrator shall submit*  
 11 *a Maritime Administration authorization request*  
 12 *with respect to such fiscal year to the Committee on*  
 13 *Commerce, Science, and Transportation of the Senate*  
 14 *and the Committee on Transportation and Infrastruc-*  
 15 *ture of the House of Representatives.*

16 *“(2) DEFINED TERM.—In this subsection, the*  
 17 *term ‘Maritime Administration authorization request’*  
 18 *means a proposal for legislation that, with respect to*  
 19 *the Maritime Administration for the relevant fiscal*  
 20 *year—*

21 *“(A) recommends authorizations of appro-*  
 22 *priations for that fiscal year; and*

23 *“(B) addresses any other matter that the*  
 24 *Maritime Administrator determines is appro-*  
 25 *priate for inclusion in a Maritime Administra-*  
 26 *tion authorization bill.”.*

1 **TITLE II—PREVENTION OF SEX-**  
 2 **UAL HARASSMENT AND AS-**  
 3 **SAULT AT THE UNITED**  
 4 **STATES MERCHANT MARINE**  
 5 **ACADEMY**

6 **SEC. 201. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND**  
 7 **SEXUAL ASSAULT AT THE UNITED STATES**  
 8 **MERCHANT MARINE ACADEMY.**

9 (a) *POLICY.*—Chapter 513 of title 46, United States  
 10 Code, is amended by adding at the end the following:

11 **“§51318. Policy on sexual harassment and sexual as-**  
 12 **sault**

13 “(a) *REQUIRED POLICY.*—

14 “(1) *IN GENERAL.*—The Secretary of Transpor-  
 15 tation shall direct the Superintendent of the United  
 16 States Merchant Marine Academy to prescribe a pol-  
 17 icy on sexual harassment and sexual assault applica-  
 18 ble to the cadets and other personnel of the Academy.

19 “(2) *MATTERS TO BE SPECIFIED IN POLICY.*—  
 20 The policy on sexual harassment and sexual assault  
 21 prescribed under this subsection shall include—

22 “(A) a program to promote awareness of the  
 23 incidence of rape, acquaintance rape, and other  
 24 sexual offenses of a criminal nature that involve  
 25 cadets or other Academy personnel;

1           “(B) procedures that a cadet should follow  
2           in the case of an occurrence of sexual harassment  
3           or sexual assault, including—

4                   “(i) specifying the person or persons to  
5                   whom an alleged occurrence of sexual har-  
6                   assment or sexual assault should be reported  
7                   by a cadet and the options for confidential  
8                   reporting;

9                   “(ii) specifying any other person whom  
10                  the victim should contact; and

11                  “(iii) procedures on the preservation of  
12                  evidence potentially necessary for proof of  
13                  criminal sexual assault;

14           “(C) a procedure for disciplinary action in  
15           cases of alleged criminal sexual assault involving  
16           a cadet or other Academy personnel;

17           “(D) any other sanction authorized to be  
18           imposed in a substantiated case of sexual harass-  
19           ment or sexual assault involving a cadet or other  
20           Academy personnel in rape, acquaintance rape,  
21           or any other criminal sexual offense, whether  
22           forcible or nonforcible; and

23           “(E) required training on the policy for all  
24           cadets and other Academy personnel, including  
25           the specific training required for personnel who

1           *process allegations of sexual harassment or sex-*  
 2           *ual assault involving Academy personnel.*

3           “(3) *AVAILABILITY OF POLICY.*—*The Secretary*  
 4           *shall ensure that the policy developed under this sub-*  
 5           *section is available to—*

6                     “(A) *all cadets and employees of the Acad-*  
 7                     *emy; and*

8                     “(B) *the public.*

9           “(4) *CONSULTATION AND ASSISTANCE.*—*In devel-*  
 10           *oping the policy under this subsection, the Secretary*  
 11           *may consult or receive assistance from such Federal,*  
 12           *State, local, and national organizations and subject*  
 13           *matter experts as the Secretary considers appropriate.*

14           “(b) *DEVELOPMENT PROGRAM.*—

15                     “(1) *IN GENERAL.*—*The Secretary of Transpor-*  
 16           *tation shall ensure that the development program of*  
 17           *the United States Merchant Marine Academy includes*  
 18           *a section that—*

19                     “(A) *describes the relationship between*  
 20                     *honor, respect, and character development and*  
 21                     *the prevention of sexual harassment and sexual*  
 22                     *assault at the Academy; and*

23                     “(B) *includes a brief history of the problem*  
 24                     *of sexual harassment and sexual assault in the*

1           *merchant marine, in the Armed Forces, and at*  
2           *the Academy; and*

3           “(C) *includes information relating to re-*  
4           *porting sexual harassment and sexual assault,*  
5           *victims’ rights, and dismissal for offenders.*

6           “(2) *TRAINING.—The Superintendent of the*  
7           *Academy shall ensure that all cadets receive the train-*  
8           *ing described in paragraph (1)—*

9           “(A) *not later than 7 days after their ini-*  
10          *tial arrival at the Academy; and*

11          “(B) *biannually thereafter until they grad-*  
12          *uate or leave the Academy.*

13          “(c) *ANNUAL ASSESSMENT.—*

14          “(1) *IN GENERAL.—The Secretary of Transpor-*  
15          *tation, in cooperation with the Superintendent of the*  
16          *Academy, shall conduct an assessment at the Acad-*  
17          *emy during each Academy program year to determine*  
18          *the effectiveness of the policies, procedures, and train-*  
19          *ing of the Academy with respect to sexual harassment*  
20          *and sexual assault involving cadets or other Academy*  
21          *personnel.*

22          “(2) *BIENNIAL SURVEY.—For each assessment of*  
23          *the Academy under paragraph (1) during an Acad-*  
24          *emy program year that begins in an odd-numbered*

1       *calendar year, the Secretary shall conduct a survey of*  
2       *cadets and other Academy personnel—*

3               *“(A) to measure—*

4                       *“(i) the incidence, during that pro-*  
5                       *gram year, of sexual harassment and sexual*  
6                       *assault events, on or off the Academy cam-*  
7                       *pus, that have been reported to officials of*  
8                       *the Academy; and*

9                       *“(ii) the incidence, during that pro-*  
10                      *gram year, of sexual harassment and sexual*  
11                      *assault events, on or off the Academy cam-*  
12                      *pus, that have not been reported to officials*  
13                      *of the Academy; and*

14               *“(B) to assess the perceptions of cadets and*  
15       *other Academy personnel on—*

16                      *“(i) the policies, procedures, and train-*  
17                      *ing on sexual harassment and sexual as-*  
18                      *sault involving cadets or Academy per-*  
19                      *sonnel;*

20                      *“(ii) the enforcement of the policies de-*  
21                      *scribed in clause (i);*

22                      *“(iii) the incidence of sexual harass-*  
23                      *ment and sexual assault involving cadets or*  
24                      *Academy personnel; and*

1                   “(iv) any other issues relating to sex-  
 2                   ual harassment and sexual assault involv-  
 3                   ing cadets or Academy personnel.

4                   “(3) *FOCUS GROUPS FOR YEARS WHEN SURVEY*  
 5                   *NOT REQUIRED.*—In any year in which the Secretary  
 6                   of Transportation is not required to conduct the sur-  
 7                   vey described in paragraph (2), the Secretary shall  
 8                   conduct focus groups at the Academy for the purposes  
 9                   of ascertaining information relating to sexual assault  
 10                  and sexual harassment issues at the Academy.

11                  “(d) *ANNUAL REPORT.*—

12                  “(1) *IN GENERAL.*—The Superintendent of the  
 13                  Academy shall submit a report to the Secretary of  
 14                  Transportation that provides information about sex-  
 15                  ual harassment and sexual assault involving cadets or  
 16                  other personnel at the Academy for each Academy  
 17                  program year.

18                  “(2) *CONTENTS.*—Each report submitted under  
 19                  paragraph (1) shall include, for the Academy pro-  
 20                  gram year covered by the report—

21                         “(A) the number of sexual assaults, rapes,  
 22                         and other sexual offenses involving cadets or  
 23                         other Academy personnel that have been reported  
 24                         to Academy officials;

1           “(B) the number of the reported cases de-  
 2           scribed in subparagraph (A) that have been sub-  
 3           stantiated;

4           “(C) the policies, procedures, and training  
 5           implemented by the Superintendent and the  
 6           leadership of the Academy in response to sexual  
 7           harassment and sexual assault involving cadets  
 8           or other Academy personnel; and

9           “(D) a plan for the actions that will be  
 10          taken in the following Academy program year  
 11          regarding prevention of, and response to, sexual  
 12          harassment and sexual assault involving cadets  
 13          or other Academy personnel.

14          “(3) SURVEY AND FOCUS GROUP RESULTS.—

15               “(A) SURVEY RESULTS.—Each report under  
 16               paragraph (1) for an Academy program year  
 17               that begins in an odd-numbered calendar year  
 18               shall include the results of the survey conducted  
 19               in that program year under subsection (c)(2).

20               “(B) FOCUS GROUP RESULTS.—Each report  
 21               under paragraph (1) for an Academy program  
 22               year in which the Secretary of Transportation is  
 23               not required to conduct the survey described  
 24               (c)(2) shall include the results of the focus group



1           *conducted in that program year under subsection*  
 2           *(c)(3).*

3           “(4) *REPORTING REQUIREMENT.*—

4                   “(A) *BY THE SUPERINTENDENT.*—*For each*  
 5           *incident of sexual harassment or sexual assault*  
 6           *reported to the Superintendent under this sub-*  
 7           *section, the Superintendent shall provide the Sec-*  
 8           *retary of Transportation and the Board of Visi-*  
 9           *tors of the Academy with a report that in-*  
 10          *cludes—*

11                           “(i) *the facts surrounding the incident,*  
 12                           *except for any details that would reveal the*  
 13                           *identities of the people involved; and*

14                           “(ii) *the Academy’s response to the in-*  
 15                           *cident.*

16                   “(B) *BY THE SECRETARY.*—*The Secretary*  
 17           *shall submit a copy of each report received under*  
 18           *subparagraph (A) and the Secretary’s comments*  
 19           *on the report to the Committee on Commerce,*  
 20           *Science, and Transportation of the Senate and*  
 21           *the Committee on Transportation and Infra-*  
 22           *structure of the House of Representatives.”.*

23          (b) *CLERICAL AMENDMENT.*—*The table of sections for*  
 24          *chapter 513 of title 46, United States Code, is amended by*  
 25          *adding at the end the following:*

“51318. *Policy on sexual harassment and sexual assault.*”.

1 **SEC. 202. SEXUAL ASSAULT RESPONSE COORDINATORS**  
 2 **AND SEXUAL ASSAULT VICTIM ADVOCATES.**

3 (a) *COORDINATORS AND ADVOCATES.*—Chapter 513 of  
 4 title 46, United States Code, as amended by section 201,  
 5 is further amended by adding at the end the following:

6 **“§51319. Sexual assault response coordinators and**  
 7 **sexual assault victim advocates**

8 “(a) *SEXUAL ASSAULT RESPONSE COORDINATORS.*—  
 9 *The United States Merchant Marine Academy shall employ*  
 10 *or contract with at least 1 full-time sexual assault response*  
 11 *coordinator who shall reside on or near the Academy. The*  
 12 *Secretary of Transportation may assign additional full-*  
 13 *time or part-time sexual assault response coordinators at*  
 14 *the Academy as may be necessary.*

15 “(b) *VOLUNTEER SEXUAL ASSAULT VICTIM ADVO-*  
 16 *CATES.*—

17 “(1) *IN GENERAL.*—*The Secretary of Transpor-*  
 18 *tation, acting through the Superintendent of the*  
 19 *United States Merchant Marine Academy, shall des-*  
 20 *ignate 1 or more permanent employees who volunteer*  
 21 *to serve as advocates for victims of sexual assaults in-*  
 22 *volving—*

23 “(A) *cadets of the Academy; or*

24 “(B) *individuals who work with or conduct*  
 25 *business on behalf of the Academy.*

1           “(2) *TRAINING; OTHER DUTIES.*—*Each victim*  
2           *advocate designated under this subsection shall—*

3                   “(A) *have or receive training in matters re-*  
4                   *lating to sexual assault and the comprehensive*  
5                   *policy developed under section 51318 of title 46,*  
6                   *United States Code, as added by section 201;*  
7                   *and*

8                   “(B) *serve as a victim advocate voluntarily,*  
9                   *in addition to the individual’s other duties as an*  
10                  *employee of the Academy.*

11           “(3) *PRIMARY DUTIES.*—*While performing the*  
12           *duties of a victim advocate under this subsection, a*  
13           *designated employee shall—*

14                   “(A) *support victims of sexual assault by*  
15                   *informing them of the rights and resources avail-*  
16                   *able to them as victims;*

17                   “(B) *identify additional resources to ensure*  
18                   *the safety of victims of sexual assault; and*

19                   “(C) *connect victims of sexual assault to an*  
20                   *Academy sexual assault response coordinator, or*  
21                   *full-time or part-time victim advocate, who shall*  
22                   *act as a companion in navigating investigative,*  
23                   *medical, mental and emotional health, and re-*  
24                   *covery processes relating to sexual assault.*

1           “(4) *COMPANION.*—*At least 1 victim advocate*  
 2           *designated under this subsection, while performing the*  
 3           *duties of a victim advocate, shall act as a companion*  
 4           *in navigating investigative, medical, mental and emo-*  
 5           *tional health, and recovery processes relating to sex-*  
 6           *ual assault.*

7           “(5) *HOTLINE.*—*The Secretary shall establish a*  
 8           *24-hour hotline through which the victim of a sexual*  
 9           *assault can receive victim support services.*

10           “(6) *FORMAL RELATIONSHIPS WITH OTHER EN-*  
 11           *TITIES.*—*The Secretary may enter into formal rela-*  
 12           *tionships with other entities to make available addi-*  
 13           *tional victim advocates or to implement paragraphs*  
 14           *(3), (4), and (5).*

15           “(7) *CONFIDENTIALITY.*—*Information disclosed*  
 16           *by a victim to an advocate designated under this sub-*  
 17           *section—*

18                   “(A) *shall be treated by the advocate as con-*  
 19                   *fidential; and*

20                   “(B) *may not be disclosed by the advocate*  
 21                   *without the consent of the victim.”.*

22           “(b) *CLERICAL AMENDMENT.*—*The table of sections for*  
 23           *chapter 513 of title 46, United States Code, is amended by*  
 24           *adding at the end the following:*

                  “51319. *Sexual assault response coordinators and sexual assault victim advo-*  
                   *cates.”.*

1 **SEC. 203. REPORT FROM THE DEPARTMENT OF TRANSPOR-**  
2 **TATION INSPECTOR GENERAL.**

3 (a) *IN GENERAL.*—Not later than March 31, 2018, the  
4 *Inspector General of the Department of Transportation*  
5 *shall submit a report to the Committee on Commerce,*  
6 *Science, and Transportation of the Senate and the Com-*  
7 *mittee on Transportation and Infrastructure of the House*  
8 *of Representatives that describes the effectiveness of the sex-*  
9 *ual harassment and sexual assault prevention and response*  
10 *program at the United States Merchant Marine Academy.*

11 (b) *CONTENTS.*—The report required under subsection  
12 (a) shall—

13 (1) *assess progress toward addressing any out-*  
14 *standing recommendations;*

15 (2) *include any recommendations to reduce the*  
16 *number of sexual assaults involving members of the*  
17 *United States Merchant Marine Academy, whether a*  
18 *member is the victim, the alleged assailant, or both;*

19 (3) *include any recommendations to improve the*  
20 *response of the Department of Transportation and the*  
21 *United States Merchant Marine Academy to reports*  
22 *of sexual assaults involving members of the Academy,*  
23 *whether a members is the victim, the alleged assail-*  
24 *ant, or both.*

1       (c) *EXPERTISE.*—*In compiling the report required*  
 2 *under this section, the inspection teams acting under the*  
 3 *direction of the Inspector General shall—*

4           (1) *include at least 1 member with expertise and*  
 5 *knowledge of sexual assault prevention and response*  
 6 *policies; or*

7           (2) *consult with subject matter experts in the*  
 8 *prevention of and response to sexual assaults.*

9   **SEC. 204. SEXUAL ASSAULT PREVENTION AND RESPONSE**

10                   **WORKING GROUP.**

11       (a) *IN GENERAL.*—*Not later than 90 days after the*  
 12 *date of the enactment of this Act, the Maritime Adminis-*  
 13 *trator shall convene a working group to examine methods*  
 14 *to improve the prevention of, and response to, any sexual*  
 15 *harassment or sexual assault that occurs during a Cadet's*  
 16 *Sea Year experience with the United States Merchant Ma-*  
 17 *rine Academy.*

18       (b) *MEMBERSHIP.*—*The Maritime Administrator shall*  
 19 *designate individuals to serve as members of the working*  
 20 *group convened pursuant to subsection (a). Membership in*  
 21 *the working group shall consist of—*

22           (1) *a representative of the Maritime Administra-*  
 23 *tion, which shall serve as chair of the working group;*

24           (2) *the Superintendent of the Academy, or des-*  
 25 *ignee;*

1           (3) *the sexual assault response coordinator ap-*  
2           *pointed under section 51319 of title 46, United States*  
3           *Code;*

4           (4) *a subject matter expert from the Coast*  
5           *Guard;*

6           (5) *a subject matter expert from the Military*  
7           *Sealift Command;*

8           (6) *at least 1 representative from each of the*  
9           *State maritime academies;*

10          (7) *at least 1 representative from each private*  
11          *contracting party participating in the maritime secu-*  
12          *rity program;*

13          (8) *at least 1 representative from each nonprofit*  
14          *labor organization representing a class or craft of em-*  
15          *ployees employed on vessels in the Maritime Security*  
16          *Fleet;*

17          (9) *at least 2 representatives from approved*  
18          *maritime training institutions; and*

19          (10) *at least 1 representative from companies*  
20          *that—*

21                 (A) *participate in sea training of Academy*  
22                 *cadets; and*

23                 (B) *do not participate in the maritime se-*  
24                 *curity program.*

1       (c) *NO QUORUM REQUIREMENT.*—*The Maritime Ad-*  
 2 *ministration may convene the working group without all*  
 3 *members present.*

4       (d) *RESPONSIBILITIES.*—*The working group shall—*

5           (1) *evaluate options that could promote a cli-*  
 6 *mate of honor and respect, and a culture that is intol-*  
 7 *erant of sexual harassment and sexual assault and*  
 8 *those who commit it, across the United States Flag*  
 9 *Fleet;*

10          (2) *raise awareness of the United States Mer-*  
 11 *chant Marine Academy’s sexual assault prevention*  
 12 *and response program across the United States Flag*  
 13 *Fleet;*

14          (3) *assess options that could be implemented by*  
 15 *the United States Flag Fleet that would remove any*  
 16 *barriers to the reporting of sexual harassment and*  
 17 *sexual assault response that occur during a Cadet’s*  
 18 *Sea Year experience and protect the victim’s confiden-*  
 19 *tiality;*

20          (4) *assess a potential program or policy, appli-*  
 21 *cable to all participants of the maritime security pro-*  
 22 *gram, to improve the prevention of, and response to,*  
 23 *sexual harassment and sexual assault incidents;*

24          (5) *assess a potential program or policy, appli-*  
 25 *cable to all vessels operating in the United States*



1 *Flag Fleet that participate in the Maritime Security*  
 2 *Fleet under section 53101 of title 46, United States*  
 3 *Code, which carry cargos to which chapter 531 of*  
 4 *such title applies, or are chartered by a Federal agen-*  
 5 *cy, requiring crews to complete a sexual harassment*  
 6 *and sexual assault prevention and response training*  
 7 *program before the Cadet's Sea Year that includes—*

8 *(A) fostering a shipboard climate—*

9 *(i) that does not tolerate sexual harass-*  
 10 *ment and sexual assault;*

11 *(ii) in which persons assigned to vessel*  
 12 *crews are encouraged to intervene to prevent*  
 13 *potential incidents of sexual harassment or*  
 14 *sexual assault; and*

15 *(iii) that encourages victims of sexual*  
 16 *assault to report any incident of sexual har-*  
 17 *assment or sexual assault; and*

18 *(B) understanding the needs of, and the re-*  
 19 *sources available to, a victim after an incident*  
 20 *of sexual harassment or sexual assault;*

21 *(6) assess whether the United States Merchant*  
 22 *Marine Academy should continue with sea year train-*  
 23 *ing on privately owned vessels or change its curricula*  
 24 *to provide alternative training; and*

1           (7) assess how vessel operators could ensure the  
 2           confidentiality of a report of sexual harassment or  
 3           sexual assault in order to protect the victim and pre-  
 4           vent retribution.

5           (e) *REPORT*.—Not later than 15 months after the date  
 6           of the enactment of this Act, the working group shall submit  
 7           a report to the Committee on Commerce, Science, and  
 8           Transportation of the Senate and the Committee on Trans-  
 9           portation and Infrastructure of the House of Representa-  
 10          tives that includes—

11           (1) recommendations on each of the working  
 12          group’s responsibilities described in subsection (d);

13           (2) the trade-offs, opportunities, and challenges  
 14          associated with the recommendations made in para-  
 15          graph (1); and

16           (3) any other information the working group de-  
 17          termines appropriate.

## 18   **TITLE III—MARITIME ADMINIS-** 19       **TRATION ENHANCEMENT**

### 20   **SEC. 301. STATUS OF NATIONAL DEFENSE RESERVE FLEET** 21       **VESSELS.**

22           Section 4405 of title 50, United States Code, is amend-  
 23          ed—

24           (1) in subsection (a), by adding at the end the  
 25          following: “Vessels in the National Defense Reserve

1 *Fleet, including vessels loaned to State maritime*  
 2 *academies, shall be considered public vessels of the*  
 3 *United States.”; and*

4 *(2) by adding at the end the following:*

5 *“(g) VESSEL STATUS.—Ships or other watercraft in*  
 6 *the National Defense Reserve Fleet determined by the Mari-*  
 7 *time Administration to be of insufficient value to remain*  
 8 *in the National Defense Reserve Fleet—*

9 *“(1) shall remain vessels (as defined in section 3*  
 10 *of title 1); and*

11 *“(2) shall remain subject to the rights and re-*  
 12 *sponsibilities of a vessel under admiralty law until*  
 13 *such time as the vessel is delivered to a dismantling*  
 14 *facility or is otherwise disposed of from the National*  
 15 *Defense Reserve Fleet.”.*

16 **SEC. 302. PORT INFRASTRUCTURE DEVELOPMENT.**

17 *Section 50302(c)(4) of title 46, United States Code, is*  
 18 *amended—*

19 *(1) by striking “There are authorized” and in-*  
 20 *serting the following:*

21 *“(A) IN GENERAL.—There are authorized”;*

22 *and*

23 *(2) by adding at the end the following:*

24 *“(B) ADMINISTRATIVE EXPENSES.—Except*  
 25 *as otherwise provided by law, the Administrator*

1           *may use not more than 3 percent of the amounts*  
 2           *appropriated to carry out this section for the ad-*  
 3           *ministrative expenses of the program.”.*

4 **SEC. 303. USE OF STATE ACADEMY TRAINING VESSELS.**

5       *Section 51504(g) of title 46, United States Code, is*  
 6 *amended to read as follows:*

7       “(g) *VESSEL SHARING.*—*The Secretary, after con-*  
 8 *sulting with the affected State maritime academies, may*  
 9 *implement a program requiring a State maritime academy*  
 10 *to share its training vessel with another State maritime*  
 11 *academy if the vessel of another State maritime academy—*

12           “(1) *is being used during a humanitarian assist-*  
 13 *ance or disaster response activity;*

14           “(2) *is incapable of being maintained in good re-*  
 15 *pair as required under section 51504(c) of title 46,*  
 16 *United States Code;*

17           “(3) *requires maintenance or repair for an ex-*  
 18 *tended period;*

19           “(4) *is activated as a National Defense Reserve*  
 20 *Fleet vessel pursuant to section 4405 of title 50,*  
 21 *United States Code;*

22           “(5) *loses its Coast Guard Certificate of Inspec-*  
 23 *tion or its classification; or*

24           “(6) *does not comply with applicable environ-*  
 25 *mental regulations.”.*

1 **SEC. 304. STATE MARITIME ACADEMY PHYSICAL STAND-**  
 2 **ARDS AND REPORTING.**

3 *Section 51506 of title 46, United States Code, is*  
 4 *amended—*

5 *(1) in subsection (a)—*

6 *(A) in the matter preceding paragraph (1),*  
 7 *by striking “must” and inserting “shall”;*

8 *(B) in paragraph (2), by striking “and” at*  
 9 *the end;*

10 *(C) in paragraph (3), by striking the period*  
 11 *at the end and inserting “; and”; and*

12 *(D) by adding at the end the following:*

13 *“(4) agree that any individual enrolled at such*  
 14 *State maritime academy in a merchant marine offi-*  
 15 *cer preparation program—*

16 *“(A) shall, not later than 9 months after*  
 17 *each such individual’s date of enrollment, pass*  
 18 *an examination in form and substance satisfac-*  
 19 *tory to the Secretary that demonstrates that such*  
 20 *individual meets the medical and physical re-*  
 21 *quirements—*

22 *“(i) required for the issuance of an*  
 23 *original license under section 7101; or*

24 *“(ii) set by the Coast Guard for*  
 25 *issuing merchant mariners’ documentation*

1                   under section 7302, with no limit to his or  
2                   her operational authority;

3                   “(B) following passage of the examination  
4                   under subparagraph (A), shall continue to meet  
5                   the requirements or standards described in sub-  
6                   paragraph (A) throughout the remainder of their  
7                   respective enrollments at the State maritime  
8                   academy; and

9                   “(C) if the individual has a medical or  
10                  physical condition that disqualifies him or her  
11                  from meeting the requirements or standards re-  
12                  ferred to in subparagraph (A), shall be trans-  
13                  ferred to a program other than a merchant ma-  
14                  rine officer preparation program, or otherwise  
15                  appropriately disenrolled from such State mari-  
16                  time academy, until the individual demonstrates  
17                  to the Secretary that the individual meets such  
18                  requirements or standards.”; and

19                  (2) by adding at the end the following:

20                  “(c) SECRETARIAL WAIVER AUTHORITY.—The Sec-  
21                  retary is authorized to modify or waive any of the terms  
22                  set forth in subsection (a)(4) with respect to any individual  
23                  or State maritime academy.”.

1 **SEC. 305. AUTHORITY TO EXTEND CERTAIN AGE RESTRIC-**  
 2 **TIONS RELATING TO VESSELS PARTICI-**  
 3 **PATING IN THE MARITIME SECURITY FLEET.**

4 (a) *IN GENERAL.*—Section 53102 of title 46, United  
 5 States Code, is amended by adding at the end the following:

6 “(g) *AUTHORITY FOR EXTENSION OF MAXIMUM SERV-*  
 7 *ICE AGE FOR A PARTICIPATING FLEET VESSEL.*—The Sec-  
 8 retary of Defense, in conjunction with the Secretary of  
 9 Transportation, may extend the maximum age restrictions  
 10 under sections 53101(5)(A)(ii) and 53106(c)(3) for a par-  
 11 ticular participating fleet vessel for up to 5 years if the  
 12 Secretary of Defense and the Secretary of Transportation  
 13 jointly determine that such extension is in the national in-  
 14 terest.”.

15 (b) *REPEAL OF UNNECESSARY AGE LIMITATION.*—  
 16 Section 53106(c)(3) of such title is amended—

17 (1) in subparagraph (A), by striking “or (C);”  
 18 and inserting “; or”;

19 (2) in subparagraph (B), by striking “; or” at  
 20 the end and inserting a period; and

21 (3) by striking subparagraph (C).

22 **SEC. 306. APPOINTMENTS.**

23 (a) *IN GENERAL.*—Section 51303 of title 46, United  
 24 States Code, is amended by striking “40” and inserting  
 25 “50”.

1       (b) *CLASS PROFILE*.—Not later than August 31 of each  
 2 year, the Superintendent of the United States Merchant  
 3 Marine Academy shall post on the Academy’s public website  
 4 a summary profile of each class at the Academy.

5       (c) *CONTENTS*.—Each summary profile posted under  
 6 subsection (b) shall include, for the incoming class and for  
 7 the 4 classes that precede the incoming class, the number  
 8 and percentage of students—

9           (1) *by State;*

10          (2) *by country;*

11          (3) *by gender;*

12          (4) *by race and ethnicity; and*

13          (5) *with prior military service.*

14 **SEC. 307. HIGH-SPEED CRAFT CLASSIFICATION SERVICES.**

15       (a) *IN GENERAL*.—Notwithstanding section 3316(a) of  
 16 title 46, United States Code, the Secretary of the Navy may  
 17 use the services of an approved classification society for  
 18 only a high-speed craft that—

19           (1) *was acquired by the Secretary from the Mar-*  
 20 *itime Administration;*

21           (2) *is not a high-speed naval combatant, patrol*  
 22 *vessel, expeditionary vessel, or other special purpose*  
 23 *military or law enforcement vessel;*

24           (3) *is operated for commercial purposes;*



1           (4) *is not operated or crewed by any department,*  
 2           *agency, instrumentality, or employee of the United*  
 3           *States Government;*

4           (5) *is not directly engaged in any mission or*  
 5           *other operation for or on behalf of any department,*  
 6           *agency, instrumentality, or employee of the United*  
 7           *States Government; and*

8           (6) *is not primarily designed to carry freight*  
 9           *owned, leased, used, or contracted for or by the United*  
 10          *States Government.*

11          (b) *DEFINITION OF APPROVED CLASSIFICATION SOCI-*  
 12          *ETY.—In this section, the term “approved classification so-*  
 13          *ciety” means a classification society that has been approved*  
 14          *by the Secretary of the department in which the Coast*  
 15          *Guard is operating under section 3316(c) of title 46, United*  
 16          *States Code.*

17          (c) *SAVINGS CLAUSE.—Nothing in this section may be*  
 18          *construed to affect the requirements under section 3316 of*  
 19          *title 46, United States Code, for a high-speed craft that does*  
 20          *not meet the conditions under paragraphs (1) through (6)*  
 21          *of subsection (a) of this section.*

22          **SEC. 308. MARITIME WORKFORCE WORKING GROUP.**

23          (a) *IN GENERAL.—Not later than 90 days after the*  
 24          *date of the enactment of this Act, the Secretary of Transpor-*  
 25          *tation shall convene a working group to examine and assess*

1 *the size of the pool of citizen mariners necessary to support*  
 2 *the United States Flag Fleet in times of national emer-*  
 3 *gency.*

4 *(b) MEMBERSHIP.—The Maritime Administrator shall*  
 5 *designate individuals to serve as members of the working*  
 6 *group convened under subsection (a). The working group*  
 7 *shall include, at a minimum, the following members:*

8 *(1) At least 1 representative of the Maritime Ad-*  
 9 *ministration, who shall serve as chairperson of the*  
 10 *working group.*

11 *(2) At least 1 subject matter expert from the*  
 12 *United States Merchant Marine Academy.*

13 *(3) At least 1 subject matter expert from the*  
 14 *Coast Guard.*

15 *(4) At least 1 subject matter expert from the*  
 16 *Military Sealift Command.*

17 *(5) 1 subject matter expert from each of the State*  
 18 *maritime academies.*

19 *(6) At least 1 representative from each nonprofit*  
 20 *labor organization representing a class or craft of em-*  
 21 *ployees (licensed or unlicensed) who are employed on*  
 22 *vessels operating in the United States Flag Fleet.*

23 *(7) At least 4 representatives of owners of vessels*  
 24 *operating the in United States Flag Fleet, or their*

1       *private contracting parties, which are primarily op-*  
 2       *erating in non-contiguous or coastwise trades.*

3               *(8) At least 4 representatives of owners of vessels*  
 4       *operating the in United States Flag Fleet, or their*  
 5       *private contracting parties, which are primarily op-*  
 6       *erating in international transportation.*

7       *(c) NO QUORUM REQUIREMENT.—The Maritime Ad-*  
 8       *ministration may convene the working group without all*  
 9       *members present.*

10       *(d) RESPONSIBILITIES.—The working group shall—*

11               *(1) identify the number of United States citizen*  
 12       *mariners—*

13                       *(A) in total;*

14                       *(B) that have a valid United States Coast*  
 15       *Guard merchant mariner credential with the*  
 16       *necessary endorsements for service on unlimited*  
 17       *tonnage vessels subject to the International Con-*  
 18       *vention on Standards of Training, Certification*  
 19       *and Watchkeeping for Seafarers, 1978, as*  
 20       *amended;*

21                       *(C) that are involved in Federal programs*  
 22       *that support the United States Merchant Marine*  
 23       *and United States Flag Fleet;*

1                   (D) that are available to crew the United  
 2                   States Flag Fleet and the surge sealift fleet in  
 3                   times of a national emergency;

4                   (E) that are full-time mariners;

5                   (F) that have sailed in the prior 18 months;

6                   and

7                   (G) that are primarily operating in non-  
 8                   contiguous or coastwise trades;

9                   (2) assess the impact on the United States Mer-  
 10                  chant Marine and United States Merchant Marine  
 11                  Academy if graduates from State maritime academies  
 12                  and the United States Merchant Marine Academy  
 13                  were assigned to, or required to fulfill, certain mari-  
 14                  time positions based on the overall needs of the  
 15                  United States Merchant Marine;

16                  (3) assess the Coast Guard Merchant Mariner  
 17                  Licensing and Documentation System, which tracks  
 18                  merchant mariner credentials and medical certifi-  
 19                  cates, and its accessibility and value to the Maritime  
 20                  Administration for the purposes of evaluating the  
 21                  pool of United States citizen mariners; and

22                  (4) make recommendations to enhance the avail-  
 23                  ability and quality of interagency data, including  
 24                  data from the United States Transportation Com-  
 25                  mand, the Coast Guard, and the Bureau of Transpor-

1        *tation Statistics, for use by the Maritime Administra-*  
 2        *tion for evaluating the pool of United States citizen*  
 3        *mariners.*

4        *(e) REPORT.—Not later than 1 year after the date of*  
 5        *the enactment of this Act, the Secretary of Transportation*  
 6        *shall submit a report to the Committee on Commerce,*  
 7        *Science, and Transportation of the Senate and the Com-*  
 8        *mittee on Transportation and Infrastructure of the House*  
 9        *of Representatives that contains the results of the study con-*  
 10       *ducted under this section, including—*

11                *(1) the number of United States citizen mariners*  
 12                *identified for each category described in subpara-*  
 13                *graphs (A) through (G) of subsection (d)(1);*

14                *(2) the results of the assessments conducted under*  
 15                *paragraphs (2) and (3) of subsection (d); and*

16                *(3) the recommendations made under subsection*  
 17                *(d)(4).*

18        **SEC. 309. VESSEL DISPOSAL PROGRAM.**

19        *(a) ANNUAL REPORT.—Not later than January 1 of*  
 20        *each year, the Administrator of the Maritime Administra-*  
 21        *tion shall submit to the Committee on Commerce, Science,*  
 22        *and Transportation of the Senate and the Committee on*  
 23        *Transportation and Infrastructure of the House of Rep-*  
 24        *resentatives a report on the management of the vessel dis-*  
 25        *posal program of the Maritime Administration.*

1       (b) *CONTENTS.*—*The report under subsection (a) shall*  
2 *include—*

3           (1) *the total amount of funds credited in the*  
4 *prior fiscal year to—*

5               (A) *the Vessel Operations Revolving Fund*  
6 *established by section 50301(a) of title 46,*  
7 *United States Code; and*

8               (B) *any other account attributable to the*  
9 *vessel disposal program of the Maritime Admin-*  
10 *istration;*

11          (2) *the balance of funds available at the end of*  
12 *that fiscal year in—*

13               (A) *the Vessel Operations Revolving Fund;*  
14 *and*

15               (B) *any other account described in para-*  
16 *graph (1)(B);*

17          (3) *in consultation with the Secretary of the In-*  
18 *terior, the total number of—*

19               (A) *grant applications under the National*  
20 *Maritime Heritage Grants Program in the prior*  
21 *fiscal year; and*

22               (B) *the applications under subparagraph*  
23 *(A) that were approved by the Secretary of the*  
24 *Interior, acting through the National Maritime*  
25 *Initiative of the National Park Service;*

1           (4) *a detailed description of each project funded*  
 2           *under the National Maritime Heritage Grants Pro-*  
 3           *gram in the prior fiscal year for which funds from the*  
 4           *Vessel Operations Revolving Funds were obligated, in-*  
 5           *cluding the information described in paragraphs (1)*  
 6           *through (3) of section 308703(j) of title 54, United*  
 7           *States Code; and*

8           (5) *a detailed description of the funds credited to*  
 9           *and distributions from the Vessel Operations Revolv-*  
 10          *ing Funds in the prior fiscal year.*

11          (c) *ASSESSMENTS.—*

12           (1) *IN GENERAL.—Not later than 1 year after*  
 13           *the date of enactment of this Act, and biennially*  
 14           *thereafter, the Administrator shall assess the vessel*  
 15           *disposal program of the Maritime Administration.*

16           (2) *CONTENTS.—Each assessment under para-*  
 17           *graph (1) shall include—*

18                   (A) *an inventory of each vessel, subject to a*  
 19                   *disposal agreement, for which the Maritime Ad-*  
 20                   *ministration acts as the disposal agent, includ-*  
 21                   *ing—*

22                           (i) *the age of the vessel; and*

23                           (ii) *the name of the Federal agency*  
 24                   *with which the Maritime Administration*  
 25                   *has entered into a disposal agreement;*

1           (B) a description of each vessel of a Federal  
 2           agency that may meet the criteria for the Mari-  
 3           time Administration to act as the disposal agent,  
 4           including—

5                     (i) the age of the vessel; and

6                     (ii) the name of the applicable Federal  
 7           agency;

8           (C) the Maritime Administration’s plan to  
 9           serve as the disposal agent, as appropriate, for  
 10          the vessels described in subparagraph (B); and

11          (D) any other information related to the  
 12          vessel disposal program that the Administrator  
 13          determines appropriate.

14          (d) CESSATION OF EFFECTIVENESS.—This section  
 15          ceases to be effective on the date that is 5 years after the  
 16          date of enactment of this Act.

17   **SEC. 310. MARITIME EXTREME WEATHER TASK FORCE.**

18          (a) ESTABLISHMENT OF TASK FORCE.—Not later than  
 19          15 days after the date of enactment of this Act, the Sec-  
 20          retary of Transportation shall establish a task force to ana-  
 21          lyze the impact of extreme weather events, such as in the  
 22          maritime environment (referred to in this section as the  
 23          “Task Force”).

24          (b) MEMBERSHIP.—The Task Force shall be composed  
 25          of—



1           (1) *the Secretary or the Secretary's designee; and*

2           (2) *a representative of—*

3                 (A) *the Coast Guard;*

4                 (B) *the National Oceanic and Atmospheric*  
5                 *Administration;*

6                 (C) *the Federal Maritime Commission; and*

7                 (D) *such other Federal agency or inde-*  
8                 *pendent commission as the Secretary considers*  
9                 *appropriate.*

10          (c) *REPORT.—*

11                 (1) *IN GENERAL.—Except as provided in para-*  
12                 *graph (4), not later than 180 days after the date it*  
13                 *is established under subsection (a), the Task Force*  
14                 *shall submit to the Committee on Commerce, Science,*  
15                 *and Transportation of the Senate and the Committee*  
16                 *on Transportation and Infrastructure of the House of*  
17                 *Representatives a report on the analysis under sub-*  
18                 *section (a).*

19                 (2) *CONTENTS.—The report under paragraph (1)*  
20                 *shall include—*

21                         (A) *an identification of available weather*  
22                         *prediction, monitoring, and routing technology*  
23                         *resources;*

1           (B) an identification of industry best prac-  
2           tices relating to response to, and prevention of  
3           marine casualties from, extreme weather events;

4           (C) a description of how the resources de-  
5           scribed in subparagraph (A) are used in the var-  
6           ious maritime sectors, including by passenger  
7           and cargo vessels;

8           (D) recommendations for improving mari-  
9           time response operations to extreme weather  
10          events and preventing marine casualties from ex-  
11          treme weather events, such as promoting the use  
12          of risk communications and the technologies  
13          identified under subparagraph (A); and

14          (E) recommendations for any legislative or  
15          regulatory actions for improving maritime re-  
16          sponse operations to extreme weather events and  
17          preventing marine casualties from extreme  
18          weather events.

19          (3) *PUBLICATION.*—The Secretary shall make the  
20          report under paragraph (1) and any notification  
21          under paragraph (4) publicly accessible in an elec-  
22          tronic format.

23          (4) *IMMINENT THREATS.*—The Task Force shall  
24          immediately notify the Secretary of any finding or  
25          recommendations that could protect the safety of an

1        *individual on a vessel from an imminent threat of ex-*  
 2        *treme weather.*

3        (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 4        *authorized to be appropriated such sums as may be nec-*  
 5        *essary to carry out this section.*

6        **SEC. 311. PENALTY WAGES.**

7        (a) *FOREIGN AND INTERCOASTAL VOYAGES.—Section*  
 8        *10313(g) of title 46, United States Code, is amended—*

9                (1) *in paragraph (2)—*

10                    (A) *by striking “all claims in a class action*  
 11                    *suit by seamen” and inserting “each claim by a*  
 12                    *seaman”; and*

13                    (B) *by striking “the seamen” and inserting*  
 14                    *“the seaman”; and*

15                (2) *in paragraph (3)—*

16                    (A) *by striking “class action”; and*

17                    (B) *in subparagraph (B), by striking “, by*  
 18                    *a seaman who is a claimant in the suit,” and*  
 19                    *inserting “by the seaman”.*

20        (b) *COASTWISE VOYAGES.—Section 10504(c) of such*  
 21        *title is amended—*

22                (1) *in paragraph (2)—*

23                    (A) *by striking “all claims in a class action*  
 24                    *suit by seamen” and inserting “each claim by a*  
 25                    *seaman”; and*

1                   (B) by striking “the seamen” and inserting  
 2                   “the seaman”; and  
 3                   (2) in paragraph (3)—  
 4                   (A) by striking “class action”; and  
 5                   (B) in subparagraph (B), by striking “, by  
 6                   a seaman who is a claimant in the suit,” and  
 7                   inserting “by the seaman”.

8 **SEC. 312. RECOURSE FOR NONCITIZENS.**

9           Section 30104 of title 46, United States Code, is  
 10 amended—

11                   (1) by inserting “(a) IN GENERAL.—” before the  
 12                   first sentence; and

13                   (2) by adding at the end the following:

14           “(b) RESTRICTION ON RECOVERY FOR NONRESIDENT  
 15 ALIENS EMPLOYED ON FOREIGN PASSENGER VESSELS.—

16 A claim for damages or expenses relating to personal in-  
 17 jury, illness, or death of a seaman who is a citizen of a  
 18 foreign nation, arising during or from the engagement of  
 19 the seaman by or for a passenger vessel duly registered  
 20 under the laws of a foreign nation, may not be brought  
 21 under the laws of the United States if—

22                   “(1) such seaman was not a permanent resident  
 23                   alien of the United States at the time the claim arose;

24                   “(2) the injury, illness, or death arose outside the  
 25                   territorial waters of the United States; and

1           “(3) the seaman or the seaman’s personal rep-  
 2           resentative has or had a right to seek compensation  
 3           for the injury, illness, or death in, or under the laws  
 4           of—

5                       “(A) the nation in which the vessel was reg-  
 6                       istered at the time the claim arose; or

7                       “(B) the nation in which the seaman main-  
 8                       tained citizenship or residency at the time the  
 9                       claim arose.

10           “(c) *COMPENSATION DEFINED.*—As used in subsection  
 11 (b), the term ‘compensation’ means—

12                       “(1) a statutory workers’ compensation remedy  
 13                       that complies with Standard A4.2 of Regulation 4.2  
 14                       of the Maritime Labour Convention, 2006; or

15                       “(2) in the absence of the remedy described in  
 16                       paragraph (1), a legal remedy that complies with  
 17                       Standard A4.2 of Regulation 4.2 of the Maritime  
 18                       Labour Convention, 2006, that permits recovery for  
 19                       lost wages, pain and suffering, and future medical ex-  
 20                       penses.”.

21 **SEC. 313. FLOATING DRY DOCKS.**

22           Section 55122(a)(1)(C) of title 46, United States Code,  
 23 is amended by striking “the date of the enactment of the  
 24 Carl Levin and Howard P. ‘Buck’ McKeon National De-

1 *fense Authorization Act for Fiscal Year 2015” and inserting*  
 2 *“December 19, 2017”.*

3 ***TITLE IV—IMPLEMENTATION OF***  
 4 ***WORKFORCE MANAGEMENT***  
 5 ***IMPROVEMENTS***

6 ***SEC. 401. WORKFORCE PLANS AND ONBOARDING POLICIES.***

7 *(a) WORKFORCE PLANS.—Not later than 9 months*  
 8 *after the date of the enactment of this Act, the Maritime*  
 9 *Administrator shall review the Maritime Administration’s*  
 10 *workforce plans, including its Strategic Human Capital*  
 11 *Plan and Leadership Succession Plan, and fully implement*  
 12 *competency models for mission–critical occupations, includ-*  
 13 *ing—*

14 *(1) leadership positions;*

15 *(2) human resources positions; and*

16 *(3) transportation specialist positions.*

17 *(b) ONBOARDING POLICIES.—Not later than 9 months*  
 18 *after the date of the enactment of this Act, the Adminis-*  
 19 *trator shall—*

20 *(1) review the Maritime Administration’s poli-*  
 21 *cies related to new hire orientation, training, and*  
 22 *misconduct policies;*

23 *(2) align the onboarding policies and procedures*  
 24 *at headquarters and the field offices to ensure con-*

1       sistent implementation and provision of critical in-  
 2       formation across the Maritime Administration; and

3               (3) update the Maritime Administration's train-  
 4       ing policies and training systems to include controls  
 5       that ensure that all completed training is tracked in  
 6       a standardized training repository.

7       (c) *ONBOARDING POLICIES.*—Not later than 1 year  
 8       after the date of the enactment of this Act, the Adminis-  
 9       trator shall submit a report to the Committee on Commerce,  
 10      Science, and Transportation of the Senate and the Com-  
 11      mittee on Transportation and Infrastructure of the House  
 12      of Representatives that describes the Maritime Administra-  
 13      tion's compliance with the requirements under this section.

14   **SEC. 402. DRUG AND ALCOHOL POLICY.**

15       (a) *REVIEW.*—Not later than 9 months after the date  
 16      of the enactment of this Act, the Maritime Administrator  
 17      shall—

18               (1) review the Maritime Administration's drug  
 19       and alcohol policies, procedures, and training prac-  
 20       tices;

21               (2) ensure that all fleet managers have received  
 22       training on the Department of Transportation's drug  
 23       and alcohol policy, including the testing procedures  
 24       used by the Department and the Maritime Adminis-  
 25       tration in cases of reasonable suspicion; and

1           (3) *institute a system for tracking all drug and*  
 2           *alcohol policy training conducted under paragraph*  
 3           *(2) in a standardized training repository.*

4           (b) *REPORT.*—*Not later than 1 year after the date of*  
 5           *the enactment of this Act, the Administrator shall submit*  
 6           *a report to the Committee on Commerce, Science, and*  
 7           *Transportation of the Senate and the Committee on Trans-*  
 8           *portation and Infrastructure of the House of Representa-*  
 9           *tives that describes the Maritime Administration’s compli-*  
 10          *ance with the requirements under this section.*

11   **SEC. 403. VESSEL TRANSFERS.**

12          *Not later than 9 months after the date of the enactment*  
 13          *of this Act, the Maritime Administrator shall submit a re-*  
 14          *port to the Committee on Commerce, Science, and Trans-*  
 15          *portation of the Senate and the Committee on Transpor-*  
 16          *tation and Infrastructure of the House of Representatives*  
 17          *that describes the policies and procedures for vessel transfer,*  
 18          *including—*

19               (1) *a summary of the actions taken to update the*  
 20               *Vessel Transfer Office procedures manual to reflect the*  
 21               *current range of program responsibilities and proc-*  
 22               *esses; and*

23               (2) *a copy of the updated Vessel Transfer Office*  
 24               *procedures to process vessel transfer applications.*



# **TITLE V—TECHNICAL AMENDMENTS**

## **SEC. 501. CLARIFYING AMENDMENT; CONTINUATION BOARDS.**

Section 290(a) of title 14, United States Code, is amended by striking “five officers serving in the grade of vice admiral” and inserting “5 officers (other than the Commandant) serving in the grade of admiral or vice admiral”.

## **SEC. 502. PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE.**

(a) *IN GENERAL.*—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

**“§ 520. Prospective payment of funds necessary to provide medical care**

“(a) *PROSPECTIVE PAYMENT REQUIRED.*—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

“(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eli-

1        *gible beneficiary or for whom the payment for treat-*  
 2        *ment or care is made from the Medicare-Eligible Re-*  
 3        *tiree Health Care Fund) at facilities under the juris-*  
 4        *isdiction of the Department of Defense or a military*  
 5        *department; and*

6                *“(2) for which a reimbursement would otherwise*  
 7        *be made under such section 1085.*

8                *“(b) AMOUNT.—The amount of the prospective pay-*  
 9        *ment under subsection (a)—*

10                *“(1) shall be derived from amounts appropriated*  
 11        *for the operating expenses of the Coast Guard for*  
 12        *treatment or care provided to members of the Coast*  
 13        *Guard and their dependents;*

14                *“(2) shall be derived from amounts appropriated*  
 15        *for retired pay for treatment or care provided to*  
 16        *former members of the Coast Guard and their depend-*  
 17        *ents;*

18                *“(3) shall be determined under procedures estab-*  
 19        *lished by the Secretary of Defense;*

20                *“(4) shall be paid during the fiscal year in*  
 21        *which treatment or care is provided; and*

22                *“(5) shall be subject to adjustment or reconcili-*  
 23        *ation, as the Secretary of Homeland Security and the*  
 24        *Secretary of Defense jointly determine appropriate,*  
 25        *during or promptly after such fiscal year if the pro-*

1        *spective payment is determined excessive or insuffi-*  
 2        *cient based on the services actually provided.*

3        “(c) *NO PROSPECTIVE PAYMENT WHEN SERVICE IN*  
 4        *NAVY.*—No prospective payment shall be made under this  
 5        *section for any period during which the Coast Guard oper-*  
 6        *ates as a service in the Navy.*

7        “(d) *RELATIONSHIP TO TRICARE.*—This section shall  
 8        *not be construed to require a payment for, or the prospective*  
 9        *payment of an amount that represents the value of, treat-*  
 10       *ment or care provided under any TRICARE program.”.*

11       (b) *CLERICAL AMENDMENT.*—The analysis for chapter  
 12       13 of title 14, United States Code, is amended by adding  
 13       at the end the following:

      “520. *Prospective payment of funds necessary to provide medical care.*”.

14       (c) *REPEAL.*—Section 217 of the Coast Guard Author-  
 15       ization Act of 2016 (Public Law 114–120) and the item  
 16       relating to that section in the table of contents in section  
 17       2 of such Act, are repealed.

18       **SEC. 503. TECHNICAL CORRECTIONS TO TITLE 46, UNITED**  
 19       **STATES CODE.**

20       (a) *IN GENERAL.*—Title 46, United States Code, is  
 21       amended—

22                (1) in section 4503(f)(2), by striking “that” after

23        “necessary,”; and

24                (2) in section 7510(c)—

1                   (A) in paragraph (1)(D), by striking “en-  
2                   gine” and inserting “engineer”; and

3                   (B) in paragraph (9), by inserting a period  
4                   after “App”.

5           (b) *EFFECTIVE DATE.*—The amendments made by sub-  
6 section (a) shall take effect on the date of the enactment  
7 of the Coast Guard Authorization Act of 2015 (Public Law  
8 114–120).

9   **SEC. 504. COAST GUARD USE OF THE PRIBILOF ISLANDS.**

10          (a) *IN GENERAL.*—Section 522(a)(1) of the Pribilof Is-  
11 land Transition Completion Act of 2015 (subtitle B of title  
12 V of Public Law 114–120) is amended by striking “Lots”  
13 and inserting “Not later than 30 days after the date of the  
14 enactment of the National Defense Authorization Act for  
15 Fiscal Year 2017, lots”.

16          (b) *REPORT.*—Not later than 60 days after the date  
17 of the enactment of the Maritime Administration Author-  
18 ization and Enhancement Act for Fiscal Year 2017, the Sec-  
19 retary of the department in which the Coast Guard is oper-  
20 ating shall submit a report to the Committee on Commerce,  
21 Science, and Transportation of the Senate, the Committee  
22 on Natural Resources of the House of Representatives, and  
23 the Committee on Transportation and Infrastructure of the  
24 House of Representatives that describes—

1           (1) *the Coast Guard’s use of Tracts 43 and 39,*  
 2           *located on St. Paul Island, Alaska, since operation of*  
 3           *the LORAN-C system was terminated;*

4           (2) *the Coast Guard’s plans for using the tracts*  
 5           *described in paragraph (1) during fiscal years 2016,*  
 6           *2017, and 2018; and*

7           (3) *the Coast Guard’s plans for using the tracts*  
 8           *described in paragraph (1) and other facilities on St.*  
 9           *Paul Island after fiscal year 2018.*

10 ***TITLE VI—POLAR ICEBREAKER***  
 11 ***FLEET RECAPITALIZATION***  
 12 ***TRANSPARENCY ACT***

13 ***SEC. 601. SHORT TITLE.***

14           *This title may be cited as the “Polar Icebreaker Fleet*  
 15 *Recapitalization Transparency Act”.*

16 ***SEC. 602. DEFINITIONS.***

17           *In this title:*

18           (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*  
 19           *The term “appropriate committees of Congress”*  
 20           *means the Committee on Commerce, Science, and*  
 21           *Transportation of the Senate and the Committee on*  
 22           *Transportation and Infrastructure of the House of*  
 23           *Representatives.*

24           (2) *SECRETARY.—Except as otherwise specifi-*  
 25           *cally provided, the term “Secretary” means the Sec-*

1        *retary of the department in which the Coast Guard*  
 2        *is operating.*

3    **SEC. 603. AUTHORITY FOR POLAR ICEBREAKER ACQUI-**  
 4        **SION.**

5        (a) *AUTHORITY.*—*The Secretary is authorized to carry*  
 6        *out design and construction activities for the acquisition*  
 7        *of new heavy polar icebreakers.*

8        (b) *AUTHORITY FOR ADVANCE PROCUREMENT.*—*The*  
 9        *Secretary is authorized to enter into one or more contracts*  
 10       *for advance procurement associated with the activities de-*  
 11       *scribed in subsection (a), including procurement of systems*  
 12       *and equipment.*

13       (c) *INTERAGENCY FINANCING.*—*The Secretary is au-*  
 14       *thorized to participate in interagency financing, including*  
 15       *receiving appropriated funds from other agencies or depart-*  
 16       *ments of the United States, to carry out this section.*

17       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*Of the*  
 18       *amounts authorized to be appropriated for fiscal year 2017*  
 19       *under section 2702(2) of title 14, United States Code,*  
 20       *\$150,000,000 are authorized to be available to the Secretary*  
 21       *to carry out this section.*

22    **SEC. 604. POLAR ICEBREAKER RECAPITALIZATION PLAN.**

23       (a) *REQUIREMENT.*—*Not later than 120 days after the*  
 24       *date of the enactment of this Act, the Secretary, in consulta-*  
 25       *tion with the Secretary of the Navy, shall submit to the*

1 *appropriate committees of Congress, a detailed recapitaliza-*  
2 *tion plan to meet the 2013 Department of Homeland Secu-*  
3 *rity Mission Need Statement.*

4 (b) *CONTENTS.—The plan required by subsection (a)*  
5 *shall—*

6 (1) *detail the number of heavy and medium*  
7 *polar icebreakers required to meet Coast Guard statu-*  
8 *tory missions in the polar regions;*

9 (2) *identify the vessel specifications, capabilities,*  
10 *systems, equipment, and other details required for the*  
11 *design of heavy polar icebreakers capable of fulfilling*  
12 *the mission requirements of the Coast Guard and the*  
13 *Navy, and the requirements of other agencies and de-*  
14 *partment of the United States, as the Secretary deter-*  
15 *mines appropriate;*

16 (3) *list the specific appropriations required for*  
17 *the acquisition of each icebreaker, for each fiscal year,*  
18 *until the full fleet is recapitalized;*

19 (4) *describe the potential savings of serial acqui-*  
20 *sition for new polar class icebreakers, including spe-*  
21 *cific schedule and acquisition requirements needed to*  
22 *realize such savings;*

23 (5) *describe any polar icebreaking capacity gaps*  
24 *that may arise based on the current fleet and current*  
25 *procurement outlook; and*

1           (6) describe any additional polar icebreaking ca-  
 2           pability gaps due to any further delay in procure-  
 3           ment schedules.

4   **SEC. 605. GAO REPORT ICEBREAKING CAPABILITY IN THE**  
 5           **UNITED STATES.**

6           (a) *REQUIREMENT.*—Not later than 6 months after the  
 7           date of the enactment of this Act, the Comptroller General  
 8           of the United States shall submit to the appropriate com-  
 9           mittees of Congress a report on the current state of the  
 10          United States Federal polar icebreaking fleet.

11          (b) *CONTENTS.*—The report required by subsection (a)  
 12          shall include—

13               (1) an analysis of the icebreaking assets in oper-  
 14               ation in the United States and a description of the  
 15               missions completed by such assets;

16               (2) an analysis of how such assets and the capa-  
 17               bilities of such assets are consistent, or inconsistent,  
 18               with the polar icebreaking mission requirements de-  
 19               scribed in the 2013 Department of Homeland Secu-  
 20               rity Mission Need Statement, the Naval Operations  
 21               Concept 2010, or other military and civilian govern-  
 22               mental missions in the United States;

23               (3) an analysis of the gaps in icebreaking capa-  
 24               bility of the United States based on the expected serv-  
 25               ice life of the fleet of United States icebreaking assets;



1           (4) a list of countries that are allies of the  
 2       United States that have the icebreaking capacity to  
 3       exercise missions in the Arctic during any identified  
 4       gap in United States icebreaking capacity in a polar  
 5       region; and

6           (5) a description of the policy, financial, and  
 7       other barriers that have prevented timely recapitaliza-  
 8       tion of the Coast Guard polar icebreaking fleet and  
 9       recommendations to overcome such barriers, including  
 10      potential international fee-based models used to com-  
 11      pensate governments for icebreaking escorts or main-  
 12      tenance of maritime routes.

## 13       ***TITLE VII—VESSEL INCIDENTAL*** 14               ***DISCHARGE ACT***

### 15       ***SEC. 701. SHORT TITLE.***

16           *This title may be cited as the “Vessel Incidental Dis-*  
 17       *charge Act”.*

### 18       ***SEC. 702. FINDINGS; PURPOSE.***

19           (a) *FINDINGS.*—Congress makes the following findings:

20               (1) *Since the enactment of the Act to Prevent*  
 21       *Pollution from Ships (22 U.S.C. 1901 et seq.) in*  
 22       *1980, the United States Coast Guard has been the*  
 23       *principal Federal authority charged with admin-*  
 24       *istering, enforcing, and prescribing regulations relat-*

1        *ing to the discharge of pollutants from vessels engaged*  
 2        *in maritime commerce and transportation.*

3            (2) *The Coast Guard estimates there are ap-*  
 4        *proximately 12,000,000 State-registered recreational*  
 5        *vessels, 75,000 commercial fishing vessels, and 33,000*  
 6        *freight and tank barges operating in United States*  
 7        *waters.*

8            (3) *From 1973 to 2005, certain discharges inci-*  
 9        *dental to the normal operation of a vessel were ex-*  
 10       *empted by regulation from otherwise applicable per-*  
 11       *mitting requirements.*

12           (4) *During the 32 years during which this regu-*  
 13       *latory exemption was in effect, Congress enacted sev-*  
 14       *eral statutes to deal with the regulation of discharges*  
 15       *incidental to the normal operation of a vessel, includ-*  
 16       *ing—*

17                (A) *the Act to Prevent Pollution from Ships*  
 18                *(33 U.S.C. 1901 et seq.) in 1980;*

19                (B) *the Nonindigenous Aquatic Nuisance*  
 20                *Prevention and Control Act of 1990 (16 U.S.C.*  
 21                *4701 et seq.);*

22                (C) *the National Invasive Species Act of*  
 23                *1996 (110 Stat. 4073);*

24                (D) *section 415 of the Coast Guard Author-*  
 25                *ization Act of 1998 (112 Stat. 3434) and section*

1        *623 of the Coast Guard and Maritime Transpor-*  
2        *tation Act of 2004 (33 U.S.C. 1901 note), which*  
3        *established interim and permanent requirements,*  
4        *respectively, for the regulation of vessel dis-*  
5        *charges of certain bulk cargo residue;*

6                *(E) title XIV of division B of Appendix D*  
7        *of the Consolidated Appropriations Act, 2001*  
8        *(114 Stat. 2763), which prohibited or limited*  
9        *certain vessel discharges in certain areas of Alas-*  
10       *ka;*

11               *(F) section 204 of the Maritime Transpor-*  
12       *tation Security Act of 2002 (33 U.S.C. 1902a),*  
13       *which established requirements for the regulation*  
14       *of vessel discharges of agricultural cargo residue*  
15       *material in the form of hold washings;*

16               *(G) title X of the Coast Guard Authoriza-*  
17       *tion Act of 2010 (33 U.S.C. 3801 et seq.), which*  
18       *provided for the implementation of the Inter-*  
19       *national Convention on the Control of Harmful*  
20       *Anti-Fouling Systems on Ships, 2001; and*

21               *(H) the amendment made by section 2 of*  
22       *the Clean Boating Act of 2008 adding subsection*  
23       *(r) to section 402 of the Federal Water Pollution*  
24       *Control Act (33 U.S.C. 1342(r)), which exempts*

1           *recreational vessels from National Pollutant Dis-*  
 2           *charge Elimination System permit requirements.*

3           **(b) PURPOSE.**—*The purpose of this title is to provide*  
 4           *for the establishment of nationally uniform and environ-*  
 5           *mentally sound standards and requirements for the man-*  
 6           *agement of discharges incidental to the normal operation*  
 7           *of a vessel.*

8           **SEC. 703. DEFINITIONS.**

9           *In this title:*

10           **(1) ADMINISTRATOR.**—*The term “Adminis-*  
 11           *trator” means the Administrator of the Environ-*  
 12           *mental Protection Agency.*

13           **(2) AQUATIC NUISANCE SPECIES.**—*The term*  
 14           *“aquatic nuisance species” means a nonindigenous*  
 15           *species (including a pathogen) that threatens the di-*  
 16           *versity or abundance of native species or the ecologi-*  
 17           *cal stability of navigable waters or commercial, agri-*  
 18           *cultural, aquacultural, or recreational activities de-*  
 19           *pendent on such waters.*

20           **(3) BALLAST WATER.**—

21           **(A) IN GENERAL.**—*The term “ballast*  
 22           *water” means any water and water-suspended*  
 23           *matter taken aboard a vessel—*

1                   (i) to control or maintain trim, list,  
2                   draught, stability, or stresses of the vessel;  
3                   or

4                   (ii) during the cleaning, maintenance,  
5                   or other operation of a ballast water treat-  
6                   ment technology of the vessel.

7                   (B) *EXCLUSIONS.*—The term “ballast  
8                   water” does not include any substance that is  
9                   added to water described in subparagraph (A)  
10                  that is not directly related to the operation of a  
11                  properly functioning ballast water treatment  
12                  technology under this title.

13                  (4) *BALLAST WATER DISCHARGE STANDARD.*—  
14                  The term “ballast water discharge standard” means  
15                  the numerical ballast water discharge standard set  
16                  forth in section 151.2030 of title 33, Code of Federal  
17                  Regulations or section 151.1511 of title 33, Code of  
18                  Federal Regulations, as applicable, or a revised nu-  
19                  merical ballast water discharge standard established  
20                  under subsection (a)(1)(B), (b), or (c) of section 705.

21                  (5) *BALLAST WATER MANAGEMENT SYSTEM; MAN-*  
22                  *AGEMENT SYSTEM.*—The terms “ballast water man-  
23                  agement system” and “management system” mean  
24                  any system, including all ballast water treatment  
25                  equipment and associated control and monitoring

1        *equipment, used to process ballast water to kill, re-*  
 2        *move, render harmless, or avoid the uptake or dis-*  
 3        *charge of organisms.*

4            (6) *BIOCIDE.*—*The term “biocide” means a sub-*  
 5        *stance or organism, including a virus or fungus, that*  
 6        *is introduced into or produced by a ballast water*  
 7        *management system to reduce or eliminate aquatic*  
 8        *nuisance species as part of the process used to comply*  
 9        *with a ballast water discharge standard under this*  
 10       *title.*

11           (7) *DISCHARGE INCIDENTAL TO THE NORMAL*  
 12        *OPERATION OF A VESSEL.*—

13            (A) *IN GENERAL.*—*The term “discharge in-*  
 14        *cidental to the normal operation of a vessel”*  
 15        *means—*

16            (i) *a discharge into navigable waters*  
 17        *from a vessel of—*

18            (I)(aa) *ballast water, graywater,*  
 19        *bilge water, cooling water, oil water*  
 20        *separator effluent, anti-fouling hull*  
 21        *coating leachate, boiler or economizer*  
 22        *blowdown, byproducts from cathodic*  
 23        *protection, controllable pitch propeller*  
 24        *and thruster hydraulic fluid, distilla-*  
 25        *tion and reverse osmosis brine, elevator*

1            *pit effluent, firemain system effluent,*  
2            *freshwater layup effluent, gas turbine*  
3            *wash water, motor gasoline and com-*  
4            *pensating effluent, refrigeration and*  
5            *air condensate effluent, seawater*  
6            *pumping biofouling prevention sub-*  
7            *stances, boat engine wet exhaust, sonar*  
8            *dome effluent, exhaust gas scrubber*  
9            *washwater, or stern tube packing gland*  
10           *effluent; or*

11                    *(bb) any other pollutant associ-*  
12                    *ated with the operation of a marine*  
13                    *propulsion system, shipboard maneu-*  
14                    *vering system, habitability system, or*  
15                    *installed major equipment, or from a*  
16                    *protective, preservative, or absorptive*  
17                    *application to the hull of a vessel;*

18                    *(II) weather deck runoff, deck*  
19                    *wash, aqueous film forming foam efflu-*  
20                    *ent, chain locker effluent, non-oily ma-*  
21                    *chinery wastewater, underwater ship*  
22                    *husbandry effluent, welldeck effluent, or*  
23                    *fish hold and fish hold cleaning efflu-*  
24                    *ent; or*

1                   (III) any effluent from a properly  
2                   functioning marine engine; or

3                   (ii) a discharge of a pollutant into  
4                   navigable waters in connection with the  
5                   testing, maintenance, or repair of a system,  
6                   equipment, or engine described in subclause  
7                   (I)(bb) or (III) of clause (i) whenever the  
8                   vessel is waterborne.

9                   (B) *EXCLUSIONS.*—The term “discharge in-  
10                  cidental to the normal operation of a vessel” does  
11                  not include—

12                  (i) a discharge into navigable waters  
13                  from a vessel of—

14                  (I) rubbish, trash, garbage, incin-  
15                  erator ash, or other such material dis-  
16                  charged overboard;

17                  (II) oil or a hazardous substance  
18                  as those terms are defined in section  
19                  311 of the Federal Water Pollution  
20                  Control Act (33 U.S.C. 1321);

21                  (III) sewage as defined in section  
22                  312(a)(6) of the Federal Water Pollu-  
23                  tion Control Act (33 U.S.C.  
24                  1322(a)(6)); or



1                   (IV) *graywater referred to in sec-*  
2                   *tion 312(a)(6) of the Federal Water*  
3                   *Pollution Control Act (33 U.S.C.*  
4                   *1322(a)(6));*

5                   (ii) *an emission of an air pollutant re-*  
6                   *sulting from the operation onboard a vessel*  
7                   *of a vessel propulsion system, motor driven*  
8                   *equipment, or incinerator; or*

9                   (iii) *a discharge into navigable waters*  
10                  *from a vessel when the vessel is operating in*  
11                  *a capacity other than as a means of trans-*  
12                  *portation on water.*

13               (8) *GEOGRAPHICALLY LIMITED AREA.—The term*  
14               *“geographically limited area” means an area—*

15               (A) *with a physical limitation, including*  
16               *limitation by physical size and limitation by*  
17               *authorized route such as the Great Lakes and St.*  
18               *Lawrence River, that prevents a vessel from op-*  
19               *erating outside the area, as determined by the*  
20               *Secretary; or*

21               (B) *that is ecologically homogeneous, as de-*  
22               *termined by the Secretary, in consultation with*  
23               *the heads of other Federal departments or agen-*  
24               *cies as the Secretary considers appropriate.*

1           (9) *MANUFACTURER.*—*The term “manufacturer”*  
 2           *means a person engaged in the manufacture, assem-*  
 3           *blage, or importation of ballast water treatment tech-*  
 4           *nology.*

5           (10) *NAVIGABLE WATERS.*—*The term “navigable*  
 6           *waters” has the meaning given the term in section*  
 7           *2.36 of title 33, Code of Federal Regulations, as in ef-*  
 8           *fect on the date of the enactment of this Act.*

9           (11) *SECRETARY.*—*The term “Secretary” means*  
 10          *the Secretary of the department in which the Coast*  
 11          *Guard is operating.*

12          (12) *VESSEL.*—*The term “vessel” means every*  
 13          *description of watercraft or other artificial contriv-*  
 14          *ance used, or practically or otherwise capable of being*  
 15          *used, as a means of transportation on water.*

16 **SEC. 704. REGULATION AND ENFORCEMENT.**

17          (a) *IN GENERAL.*—

18               (1) *ESTABLISHMENT.*—*The Secretary, in con-*  
 19               *sultation with the Administrator, shall establish, im-*  
 20               *plement, and enforce uniform national standards and*  
 21               *requirements for the regulation of discharges inci-*  
 22               *dental to the normal operation of a vessel.*

23               (2) *BASIS.*—*Except as provided under para-*  
 24               *graph (3), the standards and requirements established*  
 25               *under paragraph (1)—*

1           (A) with respect to ballast water, shall be  
2           based upon the best available technology that is  
3           economically achievable;

4           (B) with respect to discharges incidental to  
5           the normal operation of a vessel other than bal-  
6           last water, shall be based on best management  
7           practices (including practices, limitations, or  
8           concentrations); and

9           (C) shall supersede any permitting require-  
10          ment or prohibition on discharges incidental to  
11          the normal operation of a vessel under any other  
12          provision of law.

13          (3) *RULE OF CONSTRUCTION.*—The standards  
14          and requirements established under paragraph (1)  
15          shall not supersede regulations, in place on the date  
16          of the enactment of this Act or established by a rule-  
17          making proceeding after such date of enactment,  
18          which cover a discharge in a national marine sanc-  
19          tuary or in a marine national monument.

20          (b) *ADMINISTRATION AND ENFORCEMENT.*—The Sec-  
21          retary shall administer and enforce the uniform national  
22          standards and requirements under this title. Each State  
23          may enforce the uniform national standards and require-  
24          ments under this title.

25          (c) *SANCTIONS.*—

1           (1) *CIVIL PENALTIES.*—

2                   (A) *BALLAST WATER.*—Any person who vio-  
3                   lates a regulation issued pursuant to this title  
4                   regarding a discharge incidental to the normal  
5                   operation of a vessel of ballast water shall be lia-  
6                   ble for a civil penalty in an amount not to ex-  
7                   ceed \$25,000. Each day of a continuing violation  
8                   constitutes a separate violation.

9                   (B) *OTHER DISCHARGE.*—Any person who  
10                  violates a regulation issued pursuant to this title  
11                  regarding a discharge incidental to the normal  
12                  operation of a vessel other than ballast water  
13                  shall be liable for a civil penalty in an amount  
14                  not to exceed \$10,000. Each day of a continuing  
15                  violation constitutes a separate violation.

16                  (C) *IN REM LIABILITY.*—A vessel operated  
17                  in violation of a regulation issued under this  
18                  title shall be liable in rem for any civil penalty  
19                  assessed under this subsection for that violation.

20           (2) *CRIMINAL PENALTIES.*—

21                   (A) *BALLAST WATER.*—Any person who  
22                   knowingly violates a regulation issued pursuant  
23                   to this title regarding a discharge incidental to  
24                   the normal operation of a vessel of ballast water  
25                   shall be punished by a fine of not more than

1           \$100,000, imprisonment for not more than 2  
2           years, or both.

3           (B) *OTHER DISCHARGE.*—Any person who  
4           knowingly violates a regulation issued pursuant  
5           to this title regarding a discharge incidental to  
6           the normal operation of a vessel other than bal-  
7           last water shall be punished by a fine of not  
8           more than \$50,000, imprisonment for not more  
9           than 1 year, or both.

10          (3) *REVOCAION OF CLEARANCE.*—The Secretary  
11          is authorized to withhold or revoke the clearance of a  
12          vessel required under section 60105 of title 46, United  
13          States Code, if the owner or operator of the vessel is  
14          in violation of a regulation issued pursuant to this  
15          Act.

16          (4) *EXCEPTION TO SANCTIONS.*—It shall be an  
17          affirmative defense to any charge of a violation of this  
18          title that compliance with this title would, because of  
19          adverse weather, equipment failure, or any other rel-  
20          evant condition, have threatened the safety or sta-  
21          bility of a vessel, its crew, or its passengers.

1 **SEC. 705. UNIFORM NATIONAL STANDARDS AND REQUIRE-**  
2 **MENTS FOR THE REGULATION OF DIS-**  
3 **CHARGES INCIDENTAL TO THE NORMAL OP-**  
4 **ERATION OF A VESSEL.**

5 (a) *REQUIREMENTS.*—

6 (1) *BALLAST WATER MANAGEMENT REQUIRE-*  
7 *MENTS.*—

8 (A) *IN GENERAL.*—*Notwithstanding any*  
9 *other provision of law, the requirements set forth*  
10 *in the final rule, Standards for Living Orga-*  
11 *nisms in Ships' Ballast Water Discharged in*  
12 *U.S. Waters (77 Fed. Reg. 17254 (March 23,*  
13 *2012), as corrected at 77 Fed. Reg. 33969 (June*  
14 *8, 2012)), shall be the management requirements*  
15 *for a ballast water discharge incidental to the*  
16 *normal operation of a vessel until the Secretary*  
17 *revises the ballast water discharge standard*  
18 *under subsection (b) or adopts a more stringent*  
19 *standard under subparagraph (B).*

20 (B) *ADOPTION OF MORE STRINGENT STAND-*  
21 *ARD.*—*If the Secretary makes a determination in*  
22 *favor of a State petition under section 610, the*  
23 *Secretary shall adopt the more stringent ballast*  
24 *water discharge standard specified in the statute*  
25 *or regulation that is the subject of that State pe-*  
26 *tition instead of the ballast water discharge*

1           *standard in the final rule described under sub-*  
 2           *paragraph (A).*

3           (2) *INITIAL MANAGEMENT REQUIREMENTS FOR*  
 4           *DISCHARGES OTHER THAN BALLAST WATER.—Not*  
 5           *later than 2 years after the date of enactment of this*  
 6           *Act, the Secretary, in consultation with the Adminis-*  
 7           *trator, shall issue a final rule establishing best man-*  
 8           *agement practices for discharges incidental to the nor-*  
 9           *mal operation of a vessel other than ballast water.*

10          (b) *REVISED BALLAST WATER DISCHARGE STANDARD;*  
 11         *8-YEAR REVIEW.—*

12           (1) *IN GENERAL.—Subject to the feasibility re-*  
 13           *view under paragraph (2), not later than January 1,*  
 14           *2024, the Secretary, in consultation with the Admin-*  
 15           *istrator, shall issue a final rule revising the ballast*  
 16           *water discharge standard under subsection (a)(1) so*  
 17           *that a ballast water discharge incidental to the nor-*  
 18           *mal operation of a vessel will contain—*

19                   (A) *less than 1 organism that is living or*  
 20                   *has not been rendered harmless per 10 cubic me-*  
 21                   *ters that is 50 or more micrometers in minimum*  
 22                   *dimension;*

23                   (B) *less than 1 organism that is living or*  
 24                   *has not been rendered harmless per 10 milliliters*  
 25                   *that is less than 50 micrometers in minimum di-*

1            *mension and more than 10 micrometers in min-*  
 2            *imum dimension;*

3            *(C) concentrations of indicator microbes*  
 4            *that are less than—*

5                    *(i) 1 colony-forming unit of toxicogenic*  
 6                    *Vibrio cholera (serotypes O1 and O139) per*  
 7                    *100 milliliters or less than 1 colony-forming*  
 8                    *unit of that microbe per gram of wet weight*  
 9                    *of zoological samples;*

10                   *(ii) 126 colony-forming units of Esch-*  
 11                   *erichia coli per 100 milliliters; and*

12                   *(iii) 33 colony-forming units of intes-*  
 13                   *tinal enterococci per 100 milliliters; and*

14            *(D) concentrations of such additional indi-*  
 15            *cator microbes and of viruses as may be specified*  
 16            *in regulations issued by the Secretary in con-*  
 17            *sultation with the Administrator and such other*  
 18            *Federal agencies as the Secretary and the Ad-*  
 19            *ministrator consider appropriate.*

20            *(2) FEASIBILITY REVIEW.—*

21                   *(A) IN GENERAL.—Not less than 2 years be-*  
 22                   *fore January 1, 2024, the Secretary, in consulta-*  
 23                   *tion with the Administrator, shall complete a re-*  
 24                   *view to determine the feasibility of achieving the*



1        *revised ballast water discharge standard under*  
 2        *paragraph (1).*

3                *(B) CRITERIA FOR REVIEW OF BALLAST*  
 4        *WATER DISCHARGE STANDARD.—In conducting a*  
 5        *review under subparagraph (A), the Secretary*  
 6        *shall consider whether revising the ballast water*  
 7        *discharge standard will result in a scientifically*  
 8        *demonstrable and substantial reduction in the*  
 9        *risk of introduction or establishment of aquatic*  
 10        *nuisance species, taking into account—*

11                *(i) improvements in the scientific un-*  
 12                *derstanding of biological and ecological*  
 13                *processes that lead to the introduction or es-*  
 14                *tablishment of aquatic nuisance species;*

15                *(ii) improvements in ballast water*  
 16                *management systems, including—*

17                        *(I) the capability of such manage-*  
 18                        *ment systems to achieve a revised bal-*  
 19                        *last water discharge standard;*

20                        *(II) the effectiveness and reli-*  
 21                        *ability of such management systems in*  
 22                        *the shipboard environment;*

23                        *(III) the compatibility of such*  
 24                        *management systems with the design*

1                   *and operation of a vessel by class, type,*  
 2                   *and size;*

3                   *(IV) the commercial availability*  
 4                   *of such management systems; and*

5                   *(V) the safety of such management*  
 6                   *systems;*

7                   *(iii) improvements in the capabilities*  
 8                   *to detect, quantify, and assess the viability*  
 9                   *of aquatic nuisance species at the concentra-*  
 10                   *tions under consideration;*

11                   *(iv) the impact of ballast water man-*  
 12                   *agement systems on water quality; and*

13                   *(v) the costs, cost-effectiveness, and im-*  
 14                   *pacts of—*

15                   *(I) a revised ballast water dis-*  
 16                   *charge standard, including the poten-*  
 17                   *tial impacts on shipping, trade, and*  
 18                   *other uses of the aquatic environment;*  
 19                   *and*

20                   *(II) maintaining the existing bal-*  
 21                   *last water discharge standard, includ-*  
 22                   *ing the potential impacts on water-re-*  
 23                   *lated infrastructure, recreation, propa-*  
 24                   *gation of native fish, shellfish, and*

1 *wildlife, and other uses of navigable*  
2 *waters.*

3 (C) *LOWER REVISED DISCHARGE STAND-*  
4 *ARD.—*

5 (i) *IN GENERAL.—If the Secretary, in*  
6 *consultation with the Administrator, deter-*  
7 *mines on the basis of the feasibility review*  
8 *and after an opportunity for a public hear-*  
9 *ing that no ballast water management sys-*  
10 *tem can be certified under section 706 to*  
11 *comply with the revised ballast water dis-*  
12 *charge standard under paragraph (1), the*  
13 *Secretary shall require the use of the man-*  
14 *agement system that achieves the perform-*  
15 *ance levels of the best available technology*  
16 *that is economically achievable.*

17 (ii) *IMPLEMENTATION DEADLINE.—If*  
18 *the Secretary, in consultation with the Ad-*  
19 *ministrator, determines that the manage-*  
20 *ment system under clause (i) cannot be im-*  
21 *plemented before the implementation dead-*  
22 *line under paragraph (3) with respect to a*  
23 *class of vessels, the Secretary shall extend*  
24 *the implementation deadline for that class*  
25 *of vessels for not more than 36 months.*

1                   (iii) COMPLIANCE.—If the implementa-  
 2                   tion deadline under paragraph (3) is ex-  
 3                   tended, the Secretary shall recommend ac-  
 4                   tion to ensure compliance with the extended  
 5                   implementation deadline under clause (ii).

6                   (D) HIGHER REVISED DISCHARGE STAND-  
 7                   ARD.—

8                   (i) IN GENERAL.—If the Secretary, in  
 9                   consultation with the Administrator, deter-  
 10                  mines that a ballast water management sys-  
 11                  tem exists that exceeds the revised ballast  
 12                  water discharge standard under paragraph  
 13                  (1) with respect to a class of vessels and is  
 14                  the best available technology that is eco-  
 15                  nomically achievable, the Secretary shall re-  
 16                  vise the ballast water discharge standard for  
 17                  that class of vessels to incorporate the higher  
 18                  discharge standard.

19                  (ii) IMPLEMENTATION DEADLINE.—If  
 20                  the Secretary, in consultation with the Ad-  
 21                  ministrator, determines that the manage-  
 22                  ment system under clause (i) can be imple-  
 23                  mented before the implementation deadline  
 24                  under paragraph (3) with respect to a class  
 25                  of vessels, the Secretary shall accelerate the

1           *implementation deadline for that class of*  
 2           *vessels. If the implementation deadline*  
 3           *under paragraph (3) is accelerated, the Sec-*  
 4           *retary shall provide not less than 24 months*  
 5           *notice before the accelerated deadline takes*  
 6           *effect.*

7           (3) *IMPLEMENTATION DEADLINE.—The revised*  
 8           *ballast water discharge standard under paragraph (1)*  
 9           *shall apply to a vessel beginning on the date of the*  
 10          *first drydocking of the vessel on or after January 1,*  
 11          *2024, but not later than December 31, 2026.*

12          (4) *REVISED DISCHARGE STANDARD COMPLIANCE*  
 13          *DEADLINES.—*

14               (A) *IN GENERAL.—The Secretary may es-*  
 15               *tablish a compliance deadline for compliance by*  
 16               *a vessel (or a class, type, or size of vessel) with*  
 17               *a revised ballast water discharge standard under*  
 18               *this subsection.*

19               (B) *PROCESS FOR GRANTING EXTEN-*  
 20               *SIONS.—In issuing regulations under this sub-*  
 21               *section, the Secretary shall establish a process for*  
 22               *an owner or operator to submit a petition to the*  
 23               *Secretary for an extension of a compliance dead-*  
 24               *line with respect to the vessel of the owner or op-*  
 25               *erator.*

1           (C) *PERIOD OF EXTENSIONS.*—An extension  
2           issued under subparagraph (B) may be for a pe-  
3           riod of not to exceed 18 months from the date of  
4           the applicable deadline under subparagraph (A)  
5           and may be renewed for additional periods of  
6           not to exceed 18 months each, except that the  
7           total period of extension may not exceed 5 years.

8           (D) *FACTORS.*—In issuing a compliance  
9           deadline or reviewing a petition under this  
10          paragraph, the Secretary shall consider, with re-  
11          spect to the ability of an owner or operator to  
12          meet a compliance deadline, the following fac-  
13          tors:

14               (i) *Whether the management system to*  
15               *be installed is available in sufficient quan-*  
16               *ties to meet the compliance deadline.*

17               (ii) *Whether there is sufficient ship-*  
18               *yard or other installation facility capacity.*

19               (iii) *Whether there is sufficient avail-*  
20               *ability of engineering and design resources.*

21               (iv) *Vessel characteristics, such as en-*  
22               *gine room size, layout, or a lack of installed*  
23               *pipng.*

24               (v) *Electric power generating capacity*  
25               *aboard the vessel.*

1                   (vi) *Safety of the vessel and crew.*

2                   (vii) *Any other factors the Secretary*  
 3                   *considers appropriate, including the avail-*  
 4                   *ability of a ballast water reception facility*  
 5                   *or other means of managing ballast water.*

6                   (E) *CONSIDERATION OF PETITIONS.—*

7                   (i) *DETERMINATIONS.—The Secretary*  
 8                   *shall approve or deny a petition for an ex-*  
 9                   *tension of a compliance deadline submitted*  
 10                  *by an owner or operator under this para-*  
 11                  *graph.*

12                  (ii) *DEADLINE.—If the Secretary does*  
 13                  *not approve or deny a petition referred to*  
 14                  *in clause (i) on or before the last day of the*  
 15                  *90-day period beginning on the date of sub-*  
 16                  *mission of the petition, the petition shall be*  
 17                  *deemed approved.*

18                  (c) *FUTURE REVISIONS OF VESSEL INCIDENTAL DIS-*  
 19                  *CHARGE STANDARDS; DECENNIAL REVIEWS.—*

20                  (1) *REVISED BALLAST WATER DISCHARGE*  
 21                  *STANDARDS.—The Secretary, in consultation with the*  
 22                  *Administrator, shall complete a review, 10 years after*  
 23                  *the issuance of a final rule under subsection (b) and*  
 24                  *every 10 years thereafter, to determine whether fur-*  
 25                  *ther revision of the ballast water discharge standard*

1 *would result in a scientifically demonstrable and sub-*  
 2 *stantial reduction in the risk of the introduction or*  
 3 *establishment of aquatic nuisance species.*

4 (2) *REVISED STANDARDS FOR DISCHARGES*  
 5 *OTHER THAN BALLAST WATER.—The Secretary, in*  
 6 *consultation with the Administrator, may include in*  
 7 *a decennial review under this subsection best manage-*  
 8 *ment practices for discharges (including practices,*  
 9 *limitations, or concentrations) covered by subsection*  
 10 *(a)(2). The Secretary shall initiate a rulemaking to*  
 11 *revise 1 or more best management practices for such*  
 12 *discharges after a decennial review if the Secretary,*  
 13 *in consultation with the Administrator, determines*  
 14 *that revising 1 or more of such practices would sub-*  
 15 *stantially reduce the impacts on navigable waters of*  
 16 *discharges incidental to the normal operation of a*  
 17 *vessel other than ballast water.*

18 (3) *CONSIDERATIONS.—In conducting a review*  
 19 *under paragraph (1), the Secretary, the Adminis-*  
 20 *trator, and the heads of other Federal agencies as the*  
 21 *Secretary considers appropriate, shall consider the*  
 22 *criteria under section 705(b)(2)(B).*

23 (4) *REVISION AFTER DECENNIAL REVIEW.—The*  
 24 *Secretary shall initiate a rulemaking to revise the*  
 25 *current ballast water discharge standard after a de-*



1        *cennial review if the Secretary, in consultation with*  
 2        *the Administrator, determines that revising the cur-*  
 3        *rent ballast water discharge standard would result in*  
 4        *a scientifically demonstrable and substantial reduc-*  
 5        *tion in the risk of the introduction or establishment*  
 6        *of aquatic nuisance species.*

7        *(d) ALTERNATIVE BALLAST WATER MANAGEMENT RE-*  
 8        *QUIREMENTS.—Nothing in this title may be construed to*  
 9        *preclude the Secretary from authorizing the use of alternate*  
 10       *means or methods of managing ballast water (including*  
 11       *flow-through exchange, empty/refill exchange, and transfer*  
 12       *to treatment facilities in place of a vessel ballast water*  
 13       *management system required under this section) if the Sec-*  
 14       *retary, in consultation with the Administrator, determines*  
 15       *that such means or methods would not pose a greater risk*  
 16       *of introduction of aquatic nuisance species in navigable*  
 17       *waters than the use of a ballast water management system*  
 18       *that achieves the applicable ballast water discharge stand-*  
 19       *ard.*

20       *(e) GREAT LAKES REQUIREMENTS.—In addition to*  
 21       *the other standards and requirements imposed by this sec-*  
 22       *tion, in the case of a vessel that enters the Great Lakes*  
 23       *through the St. Lawrence River after operating outside the*  
 24       *exclusive economic zone of the United States the Secretary,*  
 25       *in consultation with the Administrator, shall establish a re-*

1 *quirement that the vessel conduct saltwater flushing of all*  
 2 *ballast water tanks onboard prior to entry.*

3 **SEC. 706. TREATMENT TECHNOLOGY CERTIFICATION.**

4 (a) *CERTIFICATION REQUIRED.*—No manufacturer of  
 5 a ballast water management system shall sell, offer for sale,  
 6 or introduce or deliver for introduction into interstate com-  
 7 merce, or import into the United States for sale or resale,  
 8 a ballast water management system for a vessel unless it  
 9 has been certified under this section.

10 (b) *CERTIFICATION PROCESS.*—

11 (1) *EVALUATION.*—Upon application of a manu-  
 12 facturer, the Secretary shall evaluate a ballast water  
 13 management system with respect to—

14 (A) *the effectiveness of the management sys-*  
 15 *tem in achieving the current ballast water dis-*  
 16 *charge standard when installed on a vessel (or a*  
 17 *class, type, or size of vessel);*

18 (B) *the compatibility with vessel design and*  
 19 *operations;*

20 (C) *the effect of the management system on*  
 21 *vessel safety;*

22 (D) *the impact on the environment;*

23 (E) *the cost effectiveness; and*

24 (F) *any other criteria the Secretary con-*  
 25 *siders appropriate.*

1           (2) *APPROVAL.*—*If after an evaluation under*  
 2           *paragraph (1) the Secretary determines that the man-*  
 3           *agement system meets the criteria, the Secretary may*  
 4           *certify the management system for use on a vessel (or*  
 5           *a class, type, or size of vessel).*

6           (3) *SUSPENSION AND REVOCATION.*—*The Sec-*  
 7           *retary shall establish, by regulation, a process to sus-*  
 8           *pend or revoke a certification issued under this sec-*  
 9           *tion.*

10          (c) *CERTIFICATION CONDITIONS.*—

11           (1) *IMPOSITION OF CONDITIONS.*—*In certifying a*  
 12           *ballast water management system under this section,*  
 13           *the Secretary, in consultation with the Administrator,*  
 14           *may impose any condition on the subsequent installa-*  
 15           *tion, use, or maintenance of the management system*  
 16           *onboard a vessel as is necessary for—*

17                   (A) *the safety of the vessel, the crew of the*  
 18                   *vessel, and any passengers aboard the vessel;*

19                   (B) *the protection of the environment; or*

20                   (C) *the effective operation of the manage-*  
 21                   *ment system.*

22           (2) *FAILURE TO COMPLY.*—*The failure of an*  
 23           *owner or operator to comply with a condition im-*  
 24           *posed under paragraph (1) shall be considered a vio-*  
 25           *lation of this section.*

1       (d) *PERIOD FOR USE OF INSTALLED TREATMENT*  
 2 *EQUIPMENT.*—*Notwithstanding anything to the contrary in*  
 3 *this title or any other provision of law, the Secretary shall*  
 4 *allow a vessel on which a management system is installed*  
 5 *and operated to meet a ballast water discharge standard*  
 6 *under this title to continue to use that system, notwith-*  
 7 *standing any revision of a ballast water discharge standard*  
 8 *occurring after the management system is ordered or in-*  
 9 *stalled until the expiration of the service life of the manage-*  
 10 *ment system, as determined by the Secretary, if the manage-*  
 11 *ment system—*

12               (1) *is maintained in proper working condition,*  
 13       *as determined by the Secretary; and*

14               (2) *continues to meet the discharge standard in*  
 15       *effect at the time of installation.*

16       (e) *CERTIFICATES OF TYPE APPROVAL FOR THE*  
 17 *TREATMENT TECHNOLOGY.—*

18               (1) *ISSUANCE.*—*If the Secretary approves a bal-*  
 19 *last water management system for certification under*  
 20 *subsection (b), the Secretary shall issue a certificate*  
 21 *of type approval for the management system to the*  
 22 *manufacturer in such form and manner as the Sec-*  
 23 *retary determines appropriate.*

24               (2) *CERTIFICATION CONDITIONS.*—*A certificate*  
 25 *of type approval issued under paragraph (1) shall*

1       specify each condition imposed by the Secretary  
2       under subsection (c).

3               (3) OWNERS AND OPERATORS.—A manufacturer  
4       that receives a certificate of type approval for the  
5       management system under this subsection shall pro-  
6       vide a copy of the certificate to each owner and oper-  
7       ator of a vessel on which the management system is  
8       installed.

9               (f) INSPECTIONS.—An owner or operator who receives  
10      a copy of a certificate under subsection (e)(3) shall retain  
11      a copy of the certificate onboard the vessel and make the  
12      copy of the certificate available for inspection at all times  
13      while the owner or operator is utilizing the management  
14      system.

15              (g) BIOCIDES.—The Secretary may not approve a bal-  
16      last water management system under subsection (b) if—

17                      (1) it uses a biocide or generates a biocide that  
18                      is a pesticide, as defined in section 2 of the Federal  
19                      Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.  
20                      136), unless the biocide is registered under that Act  
21                      or the Secretary, in consultation with Administrator,  
22                      has approved the use of the biocide in such manage-  
23                      ment system; or

24                      (2) it uses or generates a biocide the discharge of  
25                      which causes or contributes to a violation of a water

1 *quality standard under section 303 of the Federal*  
2 *Water Pollution Control Act (33 U.S.C. 1313).*

3 *(h) PROHIBITION.—*

4 *(1) IN GENERAL.—Except as provided in para-*  
5 *graph (2), the use of a ballast water management sys-*  
6 *tem by an owner or operator of a vessel shall not sat-*  
7 *isfy the requirements of this title unless it has been*  
8 *approved by the Secretary under subsection (b).*

9 *(2) EXCEPTIONS.—*

10 *(A) COAST GUARD SHIPBOARD TECHNOLOGY*  
11 *EVALUATION PROGRAM.—An owner or operator*  
12 *may use a ballast water management system*  
13 *that has not been certified by the Secretary to*  
14 *comply with the requirements of this section if*  
15 *the technology is being evaluated under the Coast*  
16 *Guard Shipboard Technology Evaluation Pro-*  
17 *gram.*

18 *(B) BALLAST WATER MANAGEMENT SYS-*  
19 *TEMS CERTIFIED BY FOREIGN ENTITIES.—An*  
20 *owner or operator may use a ballast water man-*  
21 *agement system that has not been certified by the*  
22 *Secretary to comply with the requirements of*  
23 *this section if the management system has been*  
24 *certified by a foreign entity and the certification*  
25 *demonstrates performance and safety of the man-*

1            *agement system equivalent to the requirements of*  
 2            *this section, as determined by the Secretary.*

3            (i) *TESTING PROTOCOLS.*—*Not later than 180 days*  
 4 *after the date of the enactment of this Act, the Secretary,*  
 5 *in consultation with the Administrator, shall issue require-*  
 6 *ments for land-based and shipboard testing protocols or cri-*  
 7 *teria for—*

8            (1) *certifying the performance of each ballast*  
 9 *water management system under this section; and*

10            (2) *certifying laboratories to evaluate such treat-*  
 11 *ment technologies.*

12 **SEC. 707. EXEMPTIONS.**

13            (a) *INCIDENTAL DISCHARGES.*—*Except in a National*  
 14 *Marine Sanctuary or a Marine National Monument, no*  
 15 *permit shall be required or prohibition enforced under any*  
 16 *other provision of law for, nor shall any standards regard-*  
 17 *ing a discharge incidental to the normal operation of a ves-*  
 18 *sel under this title apply to—*

19            (1) *a discharge incidental to the normal oper-*  
 20 *ation of a vessel if the vessel is less than 79 feet in*  
 21 *length and engaged in commercial service (as such*  
 22 *terms are defined in section 2101(5) of title 46,*  
 23 *United States Code); or*

24            (2) *a discharge incidental to the normal oper-*  
 25 *ation of a vessel if the vessel is a fishing vessel, in-*

1       cluding a fish processing vessel and a fish tender ves-  
 2       sel, (as defined in section 2101 of title 46, United  
 3       States Code).

4       (b) *DISCHARGES INTO NAVIGABLE WATERS.*—No per-  
 5       mit shall be required or prohibition enforced under any  
 6       other provision of law for, nor shall any standards regard-  
 7       ing a discharge incidental to the normal operation of a ves-  
 8       sel under this title apply to—

9               (1) any discharge into navigable waters from a  
 10       vessel authorized by an on-scene coordinator in ac-  
 11       cordance with part 300 of title 40, Code of Federal  
 12       Regulations, or part 153 of title 33, Code of Federal  
 13       Regulations;

14              (2) any discharge into navigable waters from a  
 15       vessel that is necessary to secure the safety of the ves-  
 16       sel or human life, or to suppress a fire onboard the  
 17       vessel or at a shoreside facility; or

18              (3) a vessel of the armed forces of a foreign na-  
 19       tion when engaged in noncommercial service.

20       (c) *RECREATIONAL VESSEL DISCHARGES.*—No permit  
 21       shall be required, nor shall any standards be established,  
 22       regarding a discharge incidental to the normal operation  
 23       of a recreational vessel (as defined in section 2101(25) of  
 24       title 46, United States Code) under this title.



1       (d) *BALLAST WATER DISCHARGES*.—No permit shall  
2 be required or prohibition enforced under any other provi-  
3 sion of law for, nor shall any ballast water discharge stand-  
4 ard under this title apply to—

5           (1) a ballast water discharge incidental to the  
6 normal operation of a vessel determined by the Sec-  
7 retary to—

8           (A) operate exclusively within a geographi-  
9 cally limited area;

10          (B) take up and discharge ballast water ex-  
11 clusively within 1 Captain of the Port Zone es-  
12 tablished by the Coast Guard unless the Sec-  
13 retary determines such discharge poses a sub-  
14 stantial risk of introduction or establishment of  
15 an aquatic nuisance species;

16          (C) operate pursuant to a geographic re-  
17 striction issued as a condition under section  
18 3309 of title 46, United States Code, or an  
19 equivalent restriction issued by the country of  
20 registration of the vessel; or

21          (D) continuously take on and discharge bal-  
22 last water in a flow-through system that does not  
23 introduce aquatic nuisance species into navi-  
24 gable waters;

1           (2) a ballast water discharge incidental to the  
 2           normal operation of a vessel consisting entirely of  
 3           water sourced from a United States public water sys-  
 4           tem that meets the requirements under the Safe  
 5           Drinking Water Act (42 U.S.C. 300f et seq.) or from  
 6           a foreign public water system determined by the Ad-  
 7           ministrator to be suitable for human consumption; or

8           (3) a ballast water discharge incidental to the  
 9           normal operation of a vessel in an alternative compli-  
 10          ance program established pursuant to section 708.

11          (e) *VESSELS WITH PERMANENT BALLAST WATER.*—  
 12          No permit shall be required or prohibition enforced regard-  
 13          ing a ballast water discharge incidental to the normal oper-  
 14          ation of a vessel under any other provision of law for, nor  
 15          shall any ballast water discharge standard under this title  
 16          apply to, a vessel that carries all of its permanent ballast  
 17          water in sealed tanks that are not subject to discharge.

18          (f) *VESSELS OF THE ARMED FORCES.*—Nothing in  
 19          this title may be construed to apply to—

20               (1) a vessel owned or operated by the Depart-  
 21               ment of Defense (other than a time-chartered or voy-  
 22               age-chartered vessel); or

23               (2) a vessel of the Coast Guard, as designated by  
 24               the Secretary of the department in which the Coast  
 25               Guard is operating.

1 **SEC. 708. ALTERNATIVE COMPLIANCE PROGRAM.**

2       (a) *IN GENERAL.*—*The Secretary, in consultation with*  
 3 *the Administrator, may promulgate regulations estab-*  
 4 *lishing 1 or more compliance programs as an alternative*  
 5 *to ballast water management regulations issued under sec-*  
 6 *tion 705 for a vessel that—*

7           (1) *has a maximum ballast water capacity of*  
 8 *less than 8 cubic meters; or*

9           (2) *is less than 3 years from the end of the useful*  
 10 *life of the vessel, as determined by the Secretary.*

11       (b) *RULEMAKING.*—

12           (1) *FACILITY STANDARDS.*—*Not later than 1*  
 13 *year after the date of the enactment of this Act, the*  
 14 *Administrator, in consultation with the Secretary,*  
 15 *shall promulgate standards for—*

16           (A) *the reception of ballast water from a*  
 17 *vessel into a reception facility; and*

18           (B) *the disposal or treatment of the ballast*  
 19 *water under paragraph (1).*

20           (2) *TRANSFER STANDARDS.*—*The Secretary, in*  
 21 *consultation with the Administrator, is authorized to*  
 22 *promulgate standards for the arrangements necessary*  
 23 *on a vessel to transfer ballast water to a facility.*

24 **SEC. 709. JUDICIAL REVIEW.**

25       (a) *IN GENERAL.*—*An interested person may file a pe-*  
 26 *tition for review of a final regulation promulgated under*

1 *this title in the United States Court of Appeals for the Dis-*  
 2 *trict of Columbia Circuit.*

3 (b) *DEADLINE.*—*A petition shall be filed not later than*  
 4 *120 days after the date that notice of the promulgation ap-*  
 5 *pears in the Federal Register.*

6 (c) *EXCEPTION.*—*Notwithstanding subsection (b), a*  
 7 *petition that is based solely on grounds that arise after the*  
 8 *deadline to file a petition under subsection (b) has passed*  
 9 *may be filed not later than 120 days after the date that*  
 10 *the grounds first arise.*

11 **SEC. 710. EFFECT ON STATE AUTHORITY.**

12 (a) *IN GENERAL.*—*No State or political subdivision*  
 13 *thereof may adopt or enforce any statute or regulation of*  
 14 *the State or political subdivision with respect to a discharge*  
 15 *incidental to the normal operation of a vessel after the date*  
 16 *of enactment of this Act.*

17 (b) *SAVINGS CLAUSE.*—*Notwithstanding subsection*  
 18 *(a), the Governor of a State may petition the Secretary to*  
 19 *adopt a national ballast water discharge standard that is*  
 20 *more stringent than the ballast water performance standard*  
 21 *under section 705(a)(1)(A) upon a showing that—*

22 (1) *compliance with the proposed ballast water*  
 23 *discharge standard can in fact be achieved and de-*  
 24 *tected by a ballast water management system that is*

1 *economically achievable and operationally prac-*  
 2 *ticable;*

3 *(2) the proposed ballast water discharge stand-*  
 4 *ard is consistent with obligations under relevant*  
 5 *international treaties or agreements to which the*  
 6 *United States is a party; and*

7 *(3) any other factors that the Secretary, in con-*  
 8 *sultation with the Administrator, deems relevant.*

9 *(c) PETITION PROCESS.—*

10 *(1) SUBMISSION.—The Governor of a State shall*  
 11 *submit a petition to the Secretary requesting the Sec-*  
 12 *retary to review the statute or regulation.*

13 *(2) CONTENTS; TIMING.—A petition submitted*  
 14 *under paragraph (1) shall be accompanied by the sci-*  
 15 *entific and technical information on which the peti-*  
 16 *tion is based.*

17 *(3) DETERMINATIONS.—The Secretary shall*  
 18 *make a determination on a petition under this sub-*  
 19 *section not later than 90 days after the date that the*  
 20 *Secretary determines that a complete petition has*  
 21 *been received.*

22 **SEC. 711. APPLICATION WITH OTHER STATUTES.**

23 *(a) EXCLUSIVE STATUTORY AUTHORITY.—Except as*  
 24 *otherwise provided in this section and notwithstanding any*  
 25 *other provision of law, this title shall be the exclusive statu-*

1 *tory authority for regulation by the Federal Government*  
 2 *of discharges incidental to the normal operation of a vessel*  
 3 *to which this title applies.*

4 (b) *EFFECT OF EXISTING REGULATIONS.—Except as*  
 5 *provided under section 705(a)(1)(A), any regulation in ef-*  
 6 *fect on the date immediately preceding the effective date of*  
 7 *this Act relating to any permitting requirement for or pro-*  
 8 *hibition on discharges incidental to the normal operation*  
 9 *of a vessel to which this title applies—*

10 (1) *shall be deemed to be a regulation issued pur-*  
 11 *suant to the authority of this title; and*

12 (2) *shall remain in full force and effect unless or*  
 13 *until superseded by new regulations issued under this*  
 14 *title.*

15 (c) *ACT TO PREVENT POLLUTION FROM SHIPS.—The*  
 16 *Act to Prevent Pollution from Ships (33 U.S.C. 1901 et*  
 17 *seq.) shall be the exclusive statutory authority for the regu-*  
 18 *lation by the Federal Government of any discharge or emis-*  
 19 *sion that is covered under the International Convention for*  
 20 *the Prevention of Pollution from Ships, 1973, as modified*  
 21 *by the Protocol of 1978, done at London February 17, 1978.*  
 22 *Nothing in this title may be construed to alter or amend*  
 23 *such Act or any regulation issued pursuant to the authority*  
 24 *of such Act.*

1       (d) *TITLE X OF THE COAST GUARD AND MARITIME*  
 2 *TRANSPORTATION ACT OF 2010.*—*Title X of the Coast*  
 3 *Guard and Maritime Transportation Act of 2010 (33*  
 4 *U.S.C. 3801 et seq.) shall be the exclusive statutory author-*  
 5 *ity for the regulation by the Federal Government of any*  
 6 *anti-fouling system that is covered under the International*  
 7 *Convention on the Control of Harmful Anti-Fouling Sys-*  
 8 *tems on Ships, 2001. Nothing in this title may be construed*  
 9 *to alter or amend such title X or any regulation issued pur-*  
 10 *suant to the authority under such title.*

11 **SEC. 712. RELATIONSHIP TO OTHER LAWS.**

12       Section 1205 of the *Nonindigenous Aquatic Nuisance*  
 13 *Prevention and Control Act of 1990 (16 U.S.C. 4725) is*  
 14 *amended—*

15               (1) *by striking “All actions” and inserting the*  
 16 *following:*

17       “(a) *IN GENERAL.*—*Except as provided in subsection*  
 18 *(b), all actions”;* and

19               (2) *by adding at the end the following:*

20       “(b) *VESSEL INCIDENTAL DISCHARGES.*—*Notwith-*  
 21 *standing subsection (a), the Vessel Incidental Discharge Act*  
 22 *shall be the exclusive statutory authority for the regulation*  
 23 *by the Federal Government of discharges incidental to the*  
 24 *normal operation of a vessel.”.*

1 **SEC. 713. SAVINGS PROVISION.**

2 *Any action taken by the Federal Government under*  
 3 *this Act shall be in full compliance with its obligations*  
 4 *under applicable provisions of international law.*

5 **TITLE VIII—NATIONAL OCEANIC**  
 6 **AND ATMOSPHERIC ADMINIS-**  
 7 **TRATION SEXUAL HARASS-**  
 8 **MENT AND ASSAULT PREVEN-**  
 9 **TION ACT**

10 **SEC. 801. SHORT TITLE.**

11 *This title may be cited as the “National Oceanic and*  
 12 *Atmospheric Administration Sexual Harassment and As-*  
 13 *sault Prevention Act”.*

14 **Subtitle A—Sexual Harassment and**  
 15 **Assault Prevention at the Na-**  
 16 **tional Oceanic and Atmospheric**  
 17 **Administration**

18 **SEC. 811. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT**  
 19 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**  
 20 **MINISTRATION.**

21 *(a) REQUIRED POLICY.—Not later than 1 year after*  
 22 *the date of the enactment of this Act, the Secretary of Com-*  
 23 *merce shall, acting through the Under Secretary for Oceans*  
 24 *and Atmosphere, develop a policy on the prevention of and*  
 25 *response to sexual harassment involving employees of the*  
 26 *National Oceanic and Atmospheric Administration, mem-*



1 *bers of the commissioned officer corps of the Administration,*  
 2 *and individuals who work with or conduct business on be-*  
 3 *half of the Administration.*

4 *(b) MATTERS TO BE SPECIFIED IN POLICY.—The pol-*  
 5 *icy developed under subsection (a) shall include—*

6 *(1) establishment of a program to promote*  
 7 *awareness of the incidence of sexual harassment;*

8 *(2) clear procedures an individual should follow*  
 9 *in the case of an occurrence of sexual harassment, in-*  
 10 *cluding—*

11 *(A) a specification of the person or persons*  
 12 *to whom an alleged occurrence of sexual harass-*  
 13 *ment should be reported by an individual and*  
 14 *options for confidential reporting, including—*

15 *(i) options and contact information for*  
 16 *after-hours contact; and*

17 *(ii) procedure for obtaining assistance*  
 18 *and reporting sexual harassment while*  
 19 *working in a remote scientific field camp,*  
 20 *at sea, or in another field status; and*

21 *(B) a specification of any other person*  
 22 *whom the victim should contact;*

23 *(3) establishment of a mechanism by which—*

1           (A) questions regarding sexual harassment  
 2           can be confidentially asked and confidentially  
 3           answered; and

4           (B) incidents of sexual harassment can be  
 5           confidentially reported; and

6           (4) a prohibition on retaliation and consequences  
 7           for retaliatory actions.

8           (c) CONSULTATION AND ASSISTANCE.—In developing  
 9           the policy required by subsection (a), the Secretary may  
 10          consult or receive assistance from such State, local, and na-  
 11          tional organizations and subject matter experts as the Sec-  
 12          retary considers appropriate.

13          (d) AVAILABILITY OF POLICY.—The Secretary shall en-  
 14          sure that the policy developed under subsection (a) is avail-  
 15          able to—

16               (1) all employees of the Administration and  
 17               members of the commissioned officer corps of the Ad-  
 18               ministration, including those employees and members  
 19               who conduct field work for the Administration; and

20               (2) the public.

21          (e) GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOY-  
 22          MENT OPPORTUNITY PERSONNEL.—The Secretary shall en-  
 23          sure that at least 1 employee of the Administration who  
 24          is tasked with handling matters relating to equal employ-  
 25          ment opportunity or sexual harassment is stationed—

1           (1) *in each region in which the Administration*  
 2           *conducts operations; and*

3           (2) *in each marine and aviation center of the*  
 4           *Administration.*

5           (f) *QUARTERLY REPORTS.—*

6           (1) *IN GENERAL.—Not less frequently than 4*  
 7           *times each year, the Director of the Civil Rights Of-*  
 8           *fice of the Administration shall submit to the Under*  
 9           *Secretary a report on sexual harassment in the Ad-*  
 10          *ministration.*

11          (2) *CONTENTS.—Each report submitted under*  
 12          *paragraph (1) shall include the following:*

13               (A) *Number of sexual harassment cases,*  
 14               *both actionable and non-actionable, involving in-*  
 15               *dividuals covered by the policy developed under*  
 16               *subsection (a).*

17               (B) *Number of open actionable sexual har-*  
 18               *assment cases and how long the cases have been*  
 19               *open.*

20               (C) *Such trends or region specific issues as*  
 21               *the Director may have discovered with respect to*  
 22               *sexual harassment in the Administration.*

23               (D) *Such recommendations as the Director*  
 24               *may have with respect to sexual harassment in*  
 25               *the Administration.*

1 **SEC. 812. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NA-**  
 2 **TIONAL OCEANIC AND ATMOSPHERIC ADMIN-**  
 3 **ISTRATION.**

4 (a) *COMPREHENSIVE POLICY ON PREVENTION AND RE-*  
 5 *SPONSE TO SEXUAL ASSAULTS.*—Not later than 1 year  
 6 after the date of the enactment of this Act, the Secretary  
 7 of Commerce shall, acting through the Under Secretary for  
 8 Oceans and Atmosphere, develop a comprehensive policy on  
 9 the prevention of and response to sexual assaults involving  
 10 employees of the National Oceanic and Atmospheric Admin-  
 11 istration, members of the commissioned officer corps of the  
 12 Administration, and individuals who work with or conduct  
 13 business on behalf of the Administration.

14 (b) *ELEMENTS OF COMPREHENSIVE POLICY.*—The  
 15 comprehensive policy developed under subsection (a) shall,  
 16 at minimum, address the following matters:

17 (1) *Prevention measures.*

18 (2) *Education and training on prevention and*  
 19 *response.*

20 (3) *A list of support resources an individual*  
 21 *may use in the occurrence of sexual assault, includ-*  
 22 *ing—*

23 (A) *options and contact information for*  
 24 *after-hours contact; and*

25 (B) *procedure for obtaining assistance and*  
 26 *reporting sexual assault while working in a re-*

1           *mote scientific field camp, at sea, or in another*  
 2           *field status.*

3           (4) *Easy and ready availability of information*  
 4           *described in paragraph (3).*

5           (5) *Establishing a mechanism by which—*

6                 (A) *questions regarding sexual assault can*  
 7                 *be confidentially asked and confidentially an-*  
 8                 *swered; and*

9                 (B) *incidents of sexual assault can be con-*  
 10                 *fidentially reported.*

11           (6) *Protocols for the investigation of complaints*  
 12           *by command and law enforcement personnel.*

13           (7) *Prohibiting retaliation and consequences for*  
 14           *retaliatory actions against someone who reports a sex-*  
 15           *ual assault.*

16           (8) *Oversight by the Under Secretary of admin-*  
 17           *istrative and disciplinary actions in response to sub-*  
 18           *stantial incidents of sexual assault.*

19           (9) *Victim advocacy, including establishment of*  
 20           *and the responsibilities and training requirements for*  
 21           *victim advocates as described in subsection (c).*

22           (10) *Availability of resources for victims of sex-*  
 23           *ual assault within other Federal agencies and State,*  
 24           *local, and national organizations.*

25           (c) *VICTIM ADVOCACY.—*

1           (1) *IN GENERAL.*—*The Secretary, acting through*  
2           *the Under Secretary, shall establish victim advocates*  
3           *to advocate for victims of sexual assaults involving*  
4           *employees of the Administration, members of the com-*  
5           *missioned officer corps of the Administration, and in-*  
6           *dividuals who work with or conduct business on be-*  
7           *half of the Administration.*

8           (2) *VICTIM ADVOCATES.*—*For purposes of this*  
9           *subsection, a victim advocate is a permanent em-*  
10          *ployee of the Administration who—*

11                 *(A) is trained in matters relating to sexual*  
12                 *assault and the comprehensive policy developed*  
13                 *under subsection (a); and*

14                 *(B) serves as a victim advocate voluntarily*  
15                 *and in addition to the employee's other duties as*  
16                 *an employee of the Administration.*

17          (3) *PRIMARY DUTIES.*—*The primary duties of a*  
18          *victim advocate established under paragraph (1) shall*  
19          *include the following:*

20                 *(A) Supporting victims of sexual assault*  
21                 *and informing them of their rights and the re-*  
22                 *sources available to them as victims.*

23                 *(B) Acting as a companion in navigating*  
24                 *investigative, medical, mental and emotional*

1           *health, and recovery processes relating to sexual*  
2           *assault.*

3                   *(C) Helping to identify resources to ensure*  
4           *the safety of victims of sexual assault.*

5           *(4) LOCATION.—The Secretary shall ensure that*  
6           *at least 1 victim advocate established under para-*  
7           *graph (1) is stationed—*

8                   *(A) in each region in which the Adminis-*  
9           *tration conducts operations; and*

10                  *(B) in each marine and aviation center of*  
11           *the Administration.*

12           *(5) HOTLINE.—*

13                  *(A) IN GENERAL.—In carrying out this sub-*  
14           *section, the Secretary shall establish a telephone*  
15           *number at which a victim of a sexual assault*  
16           *can contact a victim advocate.*

17                  *(B) 24-HOUR ACCESS.—The Secretary shall*  
18           *ensure that the telephone number established*  
19           *under subparagraph (A) is monitored at all*  
20           *times.*

21           *(6) FORMAL RELATIONSHIPS WITH OTHER ENTI-*  
22           *TIES.—The Secretary may enter into formal relation-*  
23           *ships with other entities to make available additional*  
24           *victim advocates.*

1       (d) *AVAILABILITY OF POLICY.*—*The Secretary shall en-*  
 2 *sure that the policy developed under subsection (a) is avail-*  
 3 *able to—*

4           (1) *all employees of the Administration and*  
 5 *members of the commissioned officer corps of the Ad-*  
 6 *ministration, including those employees and members*  
 7 *who conduct field work for the Administration; and*  
 8           (2) *the public.*

9       (e) *CONSULTATION AND ASSISTANCE.*—*In developing*  
 10 *the policy required by subsection (a), the Secretary may*  
 11 *consult or receive assistance from such State, local, and na-*  
 12 *tional organizations and subject matter experts as the Sec-*  
 13 *retary considers appropriate.*

14 **SEC. 813. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.**

15       *A victim of a sexual assault covered by the comprehen-*  
 16 *sive policy developed under section 812(a) has the right to*  
 17 *be reasonably protected from the accused.*

18 **SEC. 814. CHANGE OF STATION.**

19       (a) *CHANGE OF STATION, UNIT TRANSFER, OR*  
 20 *CHANGE OF WORK LOCATION OF VICTIMS.*—

21           (1) *TIMELY CONSIDERATION AND ACTION UPON*  
 22 *REQUEST.*—*The Secretary of Commerce, acting*  
 23 *through the Under Secretary for Oceans and Atmos-*  
 24 *phere, shall—*



1           (A) *in the case of a member of the commis-*  
 2           *sioned officer corps of the National Oceanic and*  
 3           *Atmospheric Administration who was a victim*  
 4           *of a sexual assault, in order to reduce the possi-*  
 5           *bility of retaliation or further sexual assault,*  
 6           *provide for timely determination and action on*  
 7           *an application submitted by the victim for con-*  
 8           *sideration of a change of station or unit transfer*  
 9           *of the victim; and*

10           (B) *in the case of an employee of the Ad-*  
 11           *ministration who was a victim of a sexual as-*  
 12           *sault, to the degree practicable and in order to*  
 13           *reduce the possibility of retaliation against the*  
 14           *employee for reporting the sexual assault, accom-*  
 15           *modate a request for a change of work location*  
 16           *of the victim.*

17           (2) *PROCEDURES.—*

18           (A) *PERIOD FOR APPROVAL AND DIS-*  
 19           *APPROVAL.—The Secretary, acting through the*  
 20           *Under Secretary, shall ensure that an applica-*  
 21           *tion or request submitted under paragraph (1)*  
 22           *for a change of station, unit transfer, or change*  
 23           *of work location is approved or denied within 72*  
 24           *hours of the submission of the application or re-*  
 25           *quest.*

1           (B) *REVIEW.*—*If an application or request*  
 2           *submitted under paragraph (1) by a victim of a*  
 3           *sexual assault for a change of station, unit*  
 4           *transfer, or change of work location of the victim*  
 5           *is denied—*

6                     (i) *the victim may request the Sec-*  
 7                     *retary review the denial; and*

8                     (ii) *the Secretary, acting through the*  
 9                     *Under Secretary, shall, not later than 72*  
 10                    *hours after receiving such request, affirm or*  
 11                    *overturn the denial.*

12       (b) *CHANGE OF STATION, UNIT TRANSFER, AND*  
 13       *CHANGE OF WORK LOCATION OF ALLEGED PERPETRA-*  
 14       *TORS.—*

15           (1) *IN GENERAL.*—*The Secretary, acting through*  
 16       *the Under Secretary, shall develop a policy for the*  
 17       *protection of victims of sexual assault described in*  
 18       *subsection (a)(1) by providing the alleged perpetrator*  
 19       *of the sexual assault with a change of station, unit*  
 20       *transfer, or change of work location, as the case may*  
 21       *be, if the alleged perpetrator is a member of the com-*  
 22       *missioned officer corps of the Administration or an*  
 23       *employee of the Administration.*

24           (2) *POLICY REQUIREMENTS.*—*The policy re-*  
 25       *quired by paragraph (1) shall include the following:*

1                   (A) *A means to control access to the victim.*

2                   (B) *Due process for the victim and the al-*  
3                   *leged perpetrator.*

4           (c) *REGULATIONS.—*

5                   (1) *IN GENERAL.—The Secretary shall promul-*  
6                   *gate regulations to carry out this section.*

7                   (2) *CONSISTENCY.—When practicable, the Sec-*  
8                   *retary shall make regulations promulgated under this*  
9                   *section consistent with similar regulations promul-*  
10                  *gated by the Secretary of Defense.*

11 **SEC. 815. APPLICABILITY OF POLICIES TO CREWS OF VES-**  
12 **SELS SECURED BY NATIONAL OCEANIC AND**  
13 **ATMOSPHERIC ADMINISTRATION UNDER**  
14 **CONTRACT.**

15           *The Under Secretary for Oceans and Atmosphere shall*  
16 *ensure that each contract into which the Under Secretary*  
17 *enters for the use of a vessel by the National Oceanic and*  
18 *Atmospheric Administration that covers the crew of the ves-*  
19 *sel, if any, shall include as a condition of the contract a*  
20 *provision that subjects such crew to the policy developed*  
21 *under section 811(a) and the comprehensive policy devel-*  
22 *oped under section 812(a).*

1 **SEC. 816. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE**  
2 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**  
3 **MINISTRATION.**

4 (a) *IN GENERAL.*—Not later than January 15 of each  
5 year, the Secretary of Commerce shall submit to the Com-  
6 mittee on Commerce, Science, and Transportation of the  
7 Senate and the Committee on Natural Resources of the  
8 House of Representatives a report on the sexual assaults in-  
9 volving employees of the National Oceanic and Atmospheric  
10 Administration, members of the commissioned officer corps  
11 of the Administration, and individuals who work with or  
12 conduct business on behalf of the Administration.

13 (b) *CONTENTS.*—Each report submitted under sub-  
14 section (a) shall include, with respect to the previous cal-  
15 endar year, the following:

16 (1) *The number of alleged sexual assaults involv-*  
17 *ing employees, members, and individuals described in*  
18 *subsection (a).*

19 (2) *A synopsis of each case and the disciplinary*  
20 *action taken, if any, in each case.*

21 (3) *The policies, procedures, and processes imple-*  
22 *mented by the Secretary, and any updates or revi-*  
23 *sions to such policies, procedures, and processes.*

24 (4) *A summary of the reports received by the*  
25 *Under Secretary for Oceans and Atmosphere under*  
26 *section 811(f).*

1       (c) *PRIVACY PROTECTION*.—In preparing and submit-  
 2       ting a report under subsection (a), the Secretary shall en-  
 3       sure that no individual involved in an alleged sexual as-  
 4       sault can be identified by the contents of the report.

5       **SEC. 817. DEFINITION.**

6       In this subtitle, the term “sexual assault” shall have  
 7       the meaning given such term in section 40002(a) of the Vio-  
 8       lence Against Women Act of 1994 (42 U.S.C. 13925(a)).

9       **Subtitle B—Commissioned Officer**  
 10       **Corps of the National Oceanic**  
 11       **and Atmospheric Administration**

12       **SEC. 820. REFERENCES TO NATIONAL OCEANIC AND ATMOS-**  
 13       **PHERIC ADMINISTRATION COMMISSIONED**  
 14       **OFFICER CORPS ACT OF 2002.**

15       Except as otherwise expressly provided, whenever in  
 16       this title an amendment or repeal is expressed in terms of  
 17       an amendment to, or repeal of, a section or other provision,  
 18       the reference shall be considered to be made to a section or  
 19       other provision of the National Oceanic and Atmospheric  
 20       Administration Commissioned Officer Corps Act of 2002  
 21       (33 U.S.C. 3001 et seq.).

22       **PART I—GENERAL PROVISIONS**

23       **SEC. 821. STRENGTH AND DISTRIBUTION IN GRADE.**

24       Section 214 (33 U.S.C. 3004) is amended to read as  
 25       follows:

1 **“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

2       “(a) *GRADES.*—*The commissioned grades in the com-*  
3 *missioned officer corps of the Administration are the fol-*  
4 *lowing, in relative rank with officers of the Navy:*

5               “(1) *Vice admiral.*

6               “(2) *Rear admiral.*

7               “(3) *Rear admiral (lower half).*

8               “(4) *Captain.*

9               “(5) *Commander.*

10              “(6) *Lieutenant commander.*

11              “(7) *Lieutenant.*

12              “(8) *Lieutenant (junior grade).*

13              “(9) *Ensign.*

14       “(b) *GRADE DISTRIBUTION.*—*The Secretary shall pre-*  
15 *scribe, with respect to the distribution on the lineal list in*  
16 *grade, the percentages applicable to the grades set forth in*  
17 *subsection (a).*

18       “(c) *ANNUAL COMPUTATION OF NUMBER IN GRADE.*—

19              “(1) *IN GENERAL.*—*Not less frequently than once*  
20 *each year, the Secretary shall make a computation to*  
21 *determine the number of officers on the lineal list au-*  
22 *thorized to be serving in each grade.*

23              “(2) *METHOD OF COMPUTATION.*—*The number*  
24 *in each grade shall be computed by applying the ap-*  
25 *plicable percentage to the total number of such officers*

1       *serving on active duty on the date the computation is*  
 2       *made.*

3               “(3) *FRACTIONS.*—*If a final fraction occurs in*  
 4       *computing the authorized number of officers in a*  
 5       *grade, the nearest whole number shall be taken. If the*  
 6       *fraction is  $\frac{1}{2}$ , the next higher whole number shall be*  
 7       *taken.*

8               “(d) *TEMPORARY INCREASE IN NUMBERS.*—*The total*  
 9       *number of officers authorized by law to be on the lineal list*  
 10       *during a fiscal year may be temporarily exceeded if the av-*  
 11       *erage number on that list during that fiscal year does not*  
 12       *exceed the authorized number.*

13              “(e) *POSITIONS OF IMPORTANCE AND RESPONSIBILITY.*—*Officers serving in positions designated under sec-*  
 14       *tion 228(a) and officers recalled from retired status shall*  
 15       *not be counted when computing authorized strengths under*  
 16       *subsection (c) and shall not count against those strengths.*

17              “(f) *PRESERVATION OF GRADE AND PAY.*—*No officer*  
 18       *may be reduced in grade or pay or separated from the com-*  
 19       *missioned officer corps of the Administration as the result*  
 20       *of a computation made to determine the authorized number*  
 21       *of officers in the various grades.”.*

22       **SEC. 822. RECALLED OFFICERS.**

23       *Section 215 (33 U.S.C. 3005) is amended—*  
 24

1           (1) *in the matter before paragraph (1), by strik-*  
 2           *ing “Effective” and inserting the following:*

3           “(a) *IN GENERAL.—Effective*”; and

4           (2) *by adding at the end the following new sub-*  
 5           *section:*

6           “(b) *POSITIONS OF IMPORTANCE AND RESPONS-*  
 7           *BILITY.—Officers serving in positions designated under sec-*  
 8           *tion 228 and officers recalled from retired status—*

9           *“(1) may not be counted in determining the total*  
 10          *number of authorized officers on the lineal list under*  
 11          *this section; and*

12          *“(2) may not count against such number.”.*

13   **SEC. 823. OBLIGATED SERVICE REQUIREMENT.**

14          (a) *IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.)*  
 15          *is amended by adding at the end the following:*

16   **“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

17          “(a) *IN GENERAL.—*

18                 “(1) *RULEMAKING.—The Secretary shall pre-*  
 19                 *scribe the obligated service requirements for appoint-*  
 20                 *ments, training, promotions, separations, continu-*  
 21                 *ations, and retirement of officers not otherwise cov-*  
 22                 *ered by law.*

23                 “(2) *WRITTEN AGREEMENTS.—The Secretary*  
 24                 *and officers shall enter into written agreements that*  
 25                 *describe the officers’ obligated service requirements*



1       *prescribed under paragraph (1) in return for such ap-*  
 2       *pointments, training, promotions, separations, and*  
 3       *retirements as the Secretary considers appropriate.*

4       “(b) *REPAYMENT FOR FAILURE TO SATISFY REQUIRE-*  
 5       *MENTS.—*

6               “(1) *IN GENERAL.—The Secretary may require*  
 7       *an officer who fails to meet the service requirements*  
 8       *prescribed under subsection (a)(1) to reimburse the*  
 9       *Secretary in an amount that bears the same ratio to*  
 10       *the total costs of the training provided to that officer*  
 11       *by the Secretary as the unserved portion of active*  
 12       *duty bears to the total period of active duty the officer*  
 13       *agreed to serve.*

14              “(2) *OBLIGATION AS DEBT TO UNITED STATES.—*  
 15       *An obligation to reimburse the Secretary under para-*  
 16       *graph (1) shall be considered for all purposes as a*  
 17       *debt owed to the United States.*

18              “(3) *DISCHARGE IN BANKRUPTCY.—A discharge*  
 19       *in bankruptcy under title 11 that is entered less than*  
 20       *5 years after the termination of a written agreement*  
 21       *entered into under subsection (a)(2) does not dis-*  
 22       *charge the individual signing the agreement from a*  
 23       *debt arising under such agreement.*

1       “(c) *WAIVER OR SUSPENSION OF COMPLIANCE.*—*The*  
 2       *Secretary may waive the service obligation of an officer*  
 3       *who—*

4               “(1) *becomes unqualified to serve on active duty*  
 5       *in the commissioned officer corps of the Administra-*  
 6       *tion because of a circumstance not within the control*  
 7       *of that officer; or*

8               “(2) *is—*

9                       “(A) *not physically qualified for appoint-*  
 10       *ment; and*

11                      “(B) *determined to be unqualified for serv-*  
 12       *ice in the commissioned officer corps of the Ad-*  
 13       *ministration because of a physical or medical*  
 14       *condition that was not the result of the officer’s*  
 15       *own misconduct or grossly negligent conduct.”.*

16       “(b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 17       *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 18       *graphic Services Improvement Act of 1998, and for other*  
 19       *purposes” (Public Law 107–372) is amended by inserting*  
 20       *after the item relating to section 215 the following:*

      “Sec. 216. *Obligated service requirement.*”.

21       **SEC. 824. TRAINING AND PHYSICAL FITNESS.**

22       “(a) *IN GENERAL.*—*Subtitle A (33 U.S.C. 3001 et seq.),*  
 23       *as amended by section 823(a), is further amended by add-*  
 24       *ing at the end the following:*

1 **“SEC. 217. TRAINING AND PHYSICAL FITNESS.**

2       “(a) *TRAINING.*—*The Secretary may take such meas-*  
3 *ures as may be necessary to ensure that officers are pre-*  
4 *pared to carry out their duties in the commissioned officer*  
5 *corps of the Administration and proficient in the skills nec-*  
6 *essary to carry out such duties. Such measures may include*  
7 *the following:*

8               “(1) *Carrying out training programs and cor-*  
9 *respondence courses, including establishing and oper-*  
10 *ating a basic officer training program to provide ini-*  
11 *tial indoctrination and maritime vocational training*  
12 *for officer candidates as well as refresher training,*  
13 *mid-career training, aviation training, and such*  
14 *other training as the Secretary considers necessary for*  
15 *officer development and proficiency.*

16               “(2) *Providing officers and officer candidates*  
17 *with books and school supplies.*

18               “(3) *Acquiring such equipment as may be nec-*  
19 *essary for training and instructional purposes.*

20       “(b) *PHYSICAL FITNESS.*—*The Secretary shall ensure*  
21 *that officers maintain a high physical state of readiness by*  
22 *establishing standards of physical fitness for officers that*  
23 *are substantially equivalent to those prescribed for officers*  
24 *in the Coast Guard.”.*

25       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
26 *section 1 of the Act entitled “An Act to authorize the Hydro-*

1 *graphic Services Improvement Act of 1998, and for other*  
 2 *purposes” (Public Law 107–372), as amended by section*  
 3 *823(b), is further amended by inserting after the item relat-*  
 4 *ing to section 216 the following:*

*“Sec. 217. Training and physical fitness.”.*

5 **SEC. 825. RECRUITING MATERIALS.**

6 (a) *IN GENERAL.*—*Subtitle A (33 U.S.C. 3001 et seq.),*  
 7 *as amended by section 824(a), is further amended by add-*  
 8 *ing at the end the following:*

9 **“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RE-**  
 10 **LATIONS.**

11 *“The Secretary may use for public relations purposes*  
 12 *of the Department of Commerce any advertising materials*  
 13 *developed for use for recruitment and retention of personnel*  
 14 *for the commissioned officer corps of the Administration.*  
 15 *Any such use shall be under such conditions and subject*  
 16 *to such restrictions as the Secretary shall prescribe.”.*

17 (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 18 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 19 *graphic Services Improvement Act of 1998, and for other*  
 20 *purposes” (Public Law 107–372), as amended by section*  
 21 *824(b), is further amended by inserting after the item relat-*  
 22 *ing to section 217 the following:*

*“Sec. 218. Use of recruiting materials for public relations.”.*

1 **SEC. 826. CHARTER VESSEL SAFETY POLICY.**

2       (a) *POLICY REQUIRED.*—Not later than 1 year after  
3 the date of the enactment of this Act, the Secretary of Com-  
4 merce shall, acting through the Under Secretary for Oceans  
5 and Atmosphere, develop and implement a charter vessel  
6 safety policy applicable to the acquisition by the National  
7 Oceanic and Atmospheric Administration of charter vessel  
8 services.

9       (b) *ELEMENTS.*—The policy required by subsection (a)  
10 shall address vessel safety, operational safety, and basic per-  
11 sonnel safety requirements applicable to the vessel size, type,  
12 and intended use. At a minimum, the policy shall include  
13 the following:

14           (1) *Basic vessel safety requirements that address*  
15 *stability, egress, fire protection and lifesaving equip-*  
16 *ment, hazardous materials, and pollution control.*

17           (2) *Personnel safety requirements that address*  
18 *crew qualifications, medical training and services,*  
19 *safety briefings and drills, and crew habitability.*

20       (c) *LIMITATION.*—The Secretary shall ensure that the  
21 basic vessel safety requirements and personnel safety re-  
22 quirements included in the policy required by subsection  
23 (a)—

24           (1) *do not exceed the vessel safety requirements*  
25 *and personnel safety requirements promulgated by the*

1        *Secretary of the department in which the Coast*  
 2        *Guard is operating; and*

3                *(2) to the degree practicable, are consistent with*  
 4        *the requirements described in paragraph (1).*

5        **SEC. 827. TECHNICAL CORRECTION.**

6        *Section 101(21)(C) of title 38, United States Code, is*  
 7        *amended by inserting “in the commissioned officer corps”*  
 8        *before “of the National”.*

9                **PART II—PARITY AND RECRUITMENT**

10        **SEC. 831. EDUCATION LOANS.**

11        *(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.)*  
 12        *is amended by adding at the end the following:*

13        **“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.**

14        *“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For*  
 15        *the purpose of maintaining adequate numbers of officers of*  
 16        *the commissioned officer corps of the Administration on ac-*  
 17        *tive duty who have skills required by the commissioned offi-*  
 18        *cer corps, the Secretary may repay, in the case of a person*  
 19        *described in subsection (b), a loan that—*

20                *“(1) was used by the person to finance edu-*  
 21        *cation; and*

22                *“(2) was obtained from a governmental entity,*  
 23        *private financial institution, educational institution,*  
 24        *or other authorized entity.*

1       “(b) *ELIGIBLE PERSONS.*—*To be eligible to obtain a*  
 2 *loan repayment under this section, a person must—*

3               “(1) *satisfy 1 of the requirements specified in*  
 4 *subsection (c);*

5               “(2) *be fully qualified for, or hold, an appoint-*  
 6 *ment as a commissioned officer in the commissioned*  
 7 *officer corps of the Administration; and*

8               “(3) *sign a written agreement to serve on active*  
 9 *duty, or, if on active duty, to remain on active duty*  
 10 *for a period in addition to any other incurred active*  
 11 *duty obligation.*

12       “(c) *ACADEMIC AND PROFESSIONAL REQUIRE-*  
 13 *MENTS.*—*One of the following academic requirements must*  
 14 *be satisfied for purposes of determining the eligibility of an*  
 15 *individual for a loan repayment under this section:*

16               “(1) *The person is fully qualified in a profession*  
 17 *that the Secretary has determined to be necessary to*  
 18 *meet identified skill shortages in the commissioned of-*  
 19 *ficer corps.*

20               “(2) *The person is enrolled as a full-time student*  
 21 *in the final year of a course of study at an accredited*  
 22 *educational institution (as determined by the Sec-*  
 23 *retary of Education) leading to a degree in a profes-*  
 24 *sion that will meet identified skill shortages in the*  
 25 *commissioned officer corps.*

1 “(d) *LOAN REPAYMENTS.*—

2 “(1) *IN GENERAL.*—*Subject to the limits estab-*  
 3 *lished under paragraph (2), a loan repayment under*  
 4 *this section may consist of the payment of the prin-*  
 5 *icipal, interest, and related expenses of a loan obtained*  
 6 *by a person described in subsection (b).*

7 “(2) *LIMITATION ON AMOUNT.*—*For each year of*  
 8 *obligated service that a person agrees to serve in an*  
 9 *agreement described in subsection (b)(3), the Sec-*  
 10 *retary may pay not more than the amount specified*  
 11 *in section 2173(e)(2) of title 10, United States Code.*

12 “(e) *ACTIVE DUTY SERVICE OBLIGATION.*—

13 “(1) *IN GENERAL.*—*A person entering into an*  
 14 *agreement described in subsection (b)(3) incurs an ac-*  
 15 *tive duty service obligation.*

16 “(2) *LENGTH OF OBLIGATION DETERMINED*  
 17 *UNDER REGULATIONS.*—

18 “(A) *IN GENERAL.*—*Except as provided in*  
 19 *subparagraph (B), the length of the obligation*  
 20 *under paragraph (1) shall be determined under*  
 21 *regulations prescribed by the Secretary.*

22 “(B) *MINIMUM OBLIGATION.*—*The regula-*  
 23 *tions prescribed under subparagraph (A) may*  
 24 *not provide for a period of obligation of less than*  
 25 *1 year for each maximum annual amount, or*



1           portion thereof, paid on behalf of the person for  
2           qualified loans.

3           “(3) *PERSONS ON ACTIVE DUTY BEFORE ENTER-*  
4           *ING INTO AGREEMENT.*—*The active duty service obli-*  
5           *gation of persons on active duty before entering into*  
6           *the agreement shall be served after the conclusion of*  
7           *any other obligation incurred under the agreement.*

8           “(f) *EFFECT OF FAILURE TO COMPLETE OBLIGA-*  
9           *TION.*—

10           “(1) *ALTERNATIVE OBLIGATIONS.*—*An officer*  
11           *who is relieved of the officer’s active duty obligation*  
12           *under this section before the completion of that obliga-*  
13           *tion may be given any alternative obligation, at the*  
14           *discretion of the Secretary.*

15           “(2) *REPAYMENT.*—*An officer who does not com-*  
16           *plete the period of active duty specified in the agree-*  
17           *ment entered into under subsection (b)(3), or the al-*  
18           *ternative obligation imposed under paragraph (1),*  
19           *shall be subject to the repayment provisions under sec-*  
20           *tion 216.*

21           “(g) *RULEMAKING.*—*The Secretary shall prescribe reg-*  
22           *ulations to carry out this section, including—*

23           “(1) *standards for qualified loans and authorized*  
24           *payees; and*

1           “(2) other terms and conditions for the making  
2           of loan repayments.”.

3           (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
4 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
5 *graphic Services Improvement Act of 1998, and for other*  
6 *purposes” (Public Law 107–372) is amended by inserting*  
7 *after the item relating to section 266 the following:*

*“Sec. 267. Education loan repayment program.”.*

8 **SEC. 832. INTEREST PAYMENTS.**

9           (a) *IN GENERAL.*—*Subtitle E (33 U.S.C. 3071 et seq.),*  
10 *as amended by section 831(a), is further amended by add-*  
11 *ing at the end the following:*

12 **“SEC. 268. INTEREST PAYMENT PROGRAM.**

13           “(a) *AUTHORITY.*—*The Secretary may pay the interest*  
14 *and any special allowances that accrue on 1 or more stu-*  
15 *dent loans of an eligible officer, in accordance with this sec-*  
16 *tion.*

17           “(b) *ELIGIBLE OFFICERS.*—*An officer is eligible for*  
18 *the benefit described in subsection (a) while the officer—*

19                   “(1) *is serving on active duty;*

20                   “(2) *has not completed more than 3 years of*  
21 *service on active duty;*

22                   “(3) *is the debtor on 1 or more unpaid loans de-*  
23 *scribed in subsection (c); and*

24                   “(4) *is not in default on any such loan.*

1       “(c) *STUDENT LOANS.*—*The authority to make pay-*  
 2 *ments under subsection (a) may be exercised with respect*  
 3 *to the following loans:*

4               “(1) *A loan made, insured, or guaranteed under*  
 5 *part B of title IV of the Higher Education Act of*  
 6 *1965 (20 U.S.C. 1071 et seq.).*

7               “(2) *A loan made under part D of such title (20*  
 8 *U.S.C. 1087a et seq.).*

9               “(3) *A loan made under part E of such title (20*  
 10 *U.S.C. 1087aa et seq.).*

11       “(d) *MAXIMUM BENEFIT.*—*Interest and any special*  
 12 *allowance may be paid on behalf of an officer under this*  
 13 *section for any of the 36 consecutive months during which*  
 14 *the officer is eligible under subsection (b).*

15       “(e) *FUNDS FOR PAYMENTS.*—*The Secretary may use*  
 16 *amounts appropriated for the pay and allowances of per-*  
 17 *sonnel of the commissioned officer corps of the Administra-*  
 18 *tion for payments under this section.*

19       “(f) *COORDINATION WITH SECRETARY OF EDU-*  
 20 *CATION.*—

21               “(1) *IN GENERAL.*—*The Secretary shall consult*  
 22 *with the Secretary of Education regarding the admin-*  
 23 *istration of this section.*

1           “(2) *TRANSFER OF FUNDS.*—*The Secretary shall*  
 2           *transfer to the Secretary of Education the funds nec-*  
 3           *essary—*

4                     “(A) *to pay interest and special allowances*  
 5                     *on student loans under this section (in accord-*  
 6                     *ance with sections 428(o), 455(l), and 464(j) of*  
 7                     *the Higher Education Act of 1965 (20 U.S.C.*  
 8                     *1078(o), 1087e(l), and 1087dd(j)); and*

9                     “(B) *to reimburse the Secretary of Edu-*  
 10                    *cation for any reasonable administrative costs*  
 11                    *incurred by the Secretary in coordinating the*  
 12                    *program under this section with the administra-*  
 13                    *tion of the student loan programs under parts B,*  
 14                    *D, and E of title IV of the Higher Education Act*  
 15                    *of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.,*  
 16                    *1087aa et seq.).*

17           “(g) *SPECIAL ALLOWANCE DEFINED.*—*In this section,*  
 18           *the term ‘special allowance’ means a special allowance that*  
 19           *is payable under section 438 of the Higher Education Act*  
 20           *of 1965 (20 U.S.C. 1087–1).”.*

21           (b) *CONFORMING AMENDMENTS.*—

22                     (1) *Section 428(o) of the Higher Education Act*  
 23                     *of 1965 (20 U.S.C. 1078(o)) is amended—*

24                             (A) *by striking the subsection heading and*  
 25                             *inserting “ARMED FORCES AND NOAA COMMIS-*

1           *SIONED OFFICER CORPS STUDENT LOAN INTER-*  
 2           *EST PAYMENT PROGRAMS”;* and

3           *(B) in paragraph (1)—*

4                     *(i) by inserting “or section 264 of the*  
 5                     *National Oceanic and Atmospheric Admin-*  
 6                     *istration Commissioned Officer Corps Act of*  
 7                     *2002” after “Code,”; and*

8                     *(ii) by inserting “or an officer in the*  
 9                     *commissioned officer corps of the National*  
 10                    *Oceanic and Atmospheric Administration,*  
 11                    *respectively,” after “Armed Forces”.*

12           *(2) Sections 455(l) and 464(j) of the Higher*  
 13           *Education Act of 1965 (20 U.S.C. 1087e(l) and*  
 14           *1087dd(j)) are each amended—*

15                    *(A) by striking the subsection heading and*  
 16                    *inserting “ARMED FORCES AND NOAA COMMIS-*  
 17                    *SIONED OFFICER CORPS STUDENT LOAN INTER-*  
 18                    *EST PAYMENT PROGRAMS”;* and

19           *(B) in paragraph (1)—*

20                     *(i) by inserting “or section 264 of the*  
 21                     *National Oceanic and Atmospheric Admin-*  
 22                     *istration Commissioned Officer Corps Act of*  
 23                     *2002” after “Code,”; and*

24                     *(ii) by inserting “or an officer in the*  
 25                     *commissioned officer corps of the National*

1                   *Oceanic and Atmospheric Administration,*  
 2                   *respectively” after “Armed Forces”.*

3           (c) *CLERICAL AMENDMENT.—The table of sections in*  
 4 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 5 *graphic Services Improvement Act of 1998, and for other*  
 6 *purposes” (Public Law 107–372), as amended by section*  
 7 *831(b), is further amended by inserting after the item relat-*  
 8 *ing to section 267 the following:*

*“Sec. 268. Interest payment program.”.*

9   **SEC. 833. STUDENT PRE-COMMISSIONING PROGRAM.**

10       (a) *IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.),*  
 11 *as amended by section 832(a), is further amended by add-*  
 12 *ing at the end the following:*

13   **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**  
 14                   **SISTANCE PROGRAM.**

15       “(a) *AUTHORITY TO PROVIDE FINANCIAL ASSIST-*  
 16 *ANCE.—For the purpose of maintaining adequate numbers*  
 17 *of officers of the commissioned officer corps of the Adminis-*  
 18 *tration on active duty, the Secretary may provide financial*  
 19 *assistance to a person described in subsection (b) for ex-*  
 20 *penses of the person while the person is pursuing on a full-*  
 21 *time basis at an accredited educational institution (as de-*  
 22 *termined by the Secretary of Education) a program of edu-*  
 23 *cation approved by the Secretary that leads to—*

24               “(1) *a baccalaureate degree in not more than 5*  
 25               *academic years; or*

1           “(2) *a postbaccalaureate degree.*

2           “(b) *ELIGIBLE PERSONS.—*

3           “(1) *IN GENERAL.—A person is eligible to obtain*  
 4           *financial assistance under subsection (a) if the per-*  
 5           *son—*

6           “(A) *is enrolled on a full-time basis in a*  
 7           *program of education referred to in subsection*  
 8           *(a) at any educational institution described in*  
 9           *such subsection;*

10           “(B) *meets all of the requirements for ac-*  
 11           *ceptance into the commissioned officer corps of*  
 12           *the Administration except for the completion of*  
 13           *a baccalaureate degree; and*

14           “(C) *enters into a written agreement with*  
 15           *the Secretary described in paragraph (2).*

16           “(2) *AGREEMENT.—A written agreement referred*  
 17           *to in paragraph (1)(C) is an agreement between the*  
 18           *person and the Secretary in which the person*  
 19           *agrees—*

20           “(A) *to accept an appointment as an offi-*  
 21           *cer, if tendered; and*

22           “(B) *upon completion of the person’s edu-*  
 23           *cational program, agrees to serve on active duty,*  
 24           *immediately after appointment, for—*

1                   “(i) up to 3 years if the person re-  
2                   ceived less than 3 years of assistance; and

3                   “(ii) up to 5 years if the person re-  
4                   ceived at least 3 years of assistance.

5           “(c) *QUALIFYING EXPENSES.*—*Expenses for which fi-*  
6 *nancial assistance may be provided under subsection (a)*  
7 *are the following:*

8                   “(1) *Tuition and fees charged by the educational*  
9 *institution involved.*

10                  “(2) *The cost of books.*

11                  “(3) *In the case of a program of education lead-*  
12 *ing to a baccalaureate degree, laboratory expenses.*

13                  “(4) *Such other expenses as the Secretary con-*  
14 *siders appropriate.*

15           “(d) *LIMITATION ON AMOUNT.*—*The Secretary shall*  
16 *prescribe the amount of financial assistance provided to a*  
17 *person under subsection (a), which may not exceed the*  
18 *amount specified in section 2173(e)(2) of title 10, United*  
19 *States Code, for each year of obligated service that a person*  
20 *agrees to serve in an agreement described in subsection*  
21 *(b)(2).*

22           “(e) *DURATION OF ASSISTANCE.*—*Financial assist-*  
23 *ance may be provided to a person under subsection (a) for*  
24 *not more than 5 consecutive academic years.*

25           “(f) *SUBSISTENCE ALLOWANCE.*—



1           “(1) *IN GENERAL.*—A person who receives finan-  
 2           cial assistance under subsection (a) shall be entitled  
 3           to a monthly subsistence allowance at a rate pre-  
 4           scribed under paragraph (2) for the duration of the  
 5           period for which the person receives such financial as-  
 6           sistance.

7           “(2) *DETERMINATION OF AMOUNT.*—The Sec-  
 8           retary shall prescribe monthly rates for subsistence al-  
 9           lowance provided under paragraph (1), which shall be  
 10          equal to the amount specified in section 2144(a) of  
 11          title 10, United States Code.

12          “(g) *INITIAL CLOTHING ALLOWANCE.*—

13                 “(1) *TRAINING.*—The Secretary may prescribe a  
 14                 sum which shall be credited to each person who re-  
 15                 ceives financial assistance under subsection (a) to  
 16                 cover the cost of the person’s initial clothing and  
 17                 equipment issue.

18                 “(2) *APPOINTMENT.*—Upon completion of the  
 19                 program of education for which a person receives fi-  
 20                 nancial assistance under subsection (a) and accept-  
 21                 ance of appointment in the commissioned officer corps  
 22                 of the Administration, the person may be issued a  
 23                 subsequent clothing allowance equivalent to that nor-  
 24                 mally provided to a newly appointed officer.

25          “(h) *TERMINATION OF FINANCIAL ASSISTANCE.*—

1           “(1) *IN GENERAL.*—*The Secretary shall termi-*  
 2           *nate the assistance provided to a person under this*  
 3           *section if—*

4                     “(A) *the Secretary accepts a request by the*  
 5                     *person to be released from an agreement de-*  
 6                     *scribed in subsection (b)(2);*

7                     “(B) *the misconduct of the person results in*  
 8                     *a failure to complete the period of active duty re-*  
 9                     *quired under the agreement; or*

10                    “(C) *the person fails to fulfill any term or*  
 11                    *condition of the agreement.*

12           “(2) *REIMBURSEMENT.*—*The Secretary may re-*  
 13           *quire a person who receives assistance described in*  
 14           *subsection (c), (f), or (g) under an agreement entered*  
 15           *into under subsection (b)(1)(C) to reimburse the Sec-*  
 16           *retary in an amount that bears the same ratio to the*  
 17           *total costs of the assistance provided to that person as*  
 18           *the unserved portion of active duty bears to the total*  
 19           *period of active duty the officer agreed to serve under*  
 20           *the agreement.*

21           “(3) *WAIVER.*—*The Secretary may waive the*  
 22           *service obligation of a person through an agreement*  
 23           *entered into under subsection (b)(1)(C) if the per-*  
 24           *son—*

1           “(A) becomes unqualified to serve on active  
 2           duty in the commissioned officer corps of the Ad-  
 3           ministration because of a circumstance not with-  
 4           in the control of that person; or

5           “(B) is—

6           “(i) not physically qualified for ap-  
 7           pointment; and

8           “(ii) determined to be unqualified for  
 9           service in the commissioned officer corps of  
 10          the Administration because of a physical or  
 11          medical condition that was not the result of  
 12          the person’s own misconduct or grossly neg-  
 13          ligent conduct.

14          “(4) OBLIGATION AS DEBT TO UNITED STATES.—

15          An obligation to reimburse the Secretary imposed  
 16          under paragraph (2) is, for all purposes, a debt owed  
 17          to the United States.

18          “(5) DISCHARGE IN BANKRUPTCY.—A discharge

19          in bankruptcy under title 11, United States Code,  
 20          that is entered less than 5 years after the termination  
 21          of a written agreement entered into under subsection  
 22          (b)(1)(C) does not discharge the person signing the  
 23          agreement from a debt arising under such agreement  
 24          or under paragraph (2).

1       “(i) *REGULATIONS.*—*The Secretary may promulgate*  
 2 *such regulations and orders as the Secretary considers ap-*  
 3 *propriate to carry out this section.*”.

4       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 5 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 6 *graphic Services Improvement Act of 1998, and for other*  
 7 *purposes” (Public Law 107–372), as amended by section*  
 8 *832(c), is further amended by inserting after the item relat-*  
 9 *ing to section 268 the following:*

      “Sec. 269. *Student pre-commissioning education assistance program.*”.

10   **SEC. 834. LIMITATION ON EDUCATIONAL ASSISTANCE.**

11       (a) *IN GENERAL.*—*Each fiscal year, beginning with*  
 12 *fiscal year 2013, the Secretary of Commerce shall ensure*  
 13 *that the total amount expended by the Secretary under sec-*  
 14 *tion 267 of the National Oceanic and Atmospheric Admin-*  
 15 *istration Commissioned Officer Corps Act of 2002 (as added*  
 16 *by section 831(a)), section 268 of such Act (as added by*  
 17 *section 832(a)), and section 269 of such Act (as added by*  
 18 *section 833(a)) does not exceed the amount by which—*

19               (1) *the total amount the Secretary would pay in*  
 20 *that fiscal year to officer candidates under section*  
 21 *203(f)(1) of title 37, United States Code (as added by*  
 22 *section 246(d)), if such section entitled officers can-*  
 23 *didates to pay at monthly rates equal to the basic pay*  
 24 *of a commissioned officer in the pay grade O–1 with*  
 25 *less than 2 years of service; exceeds*

1           (2) *the total amount the Secretary actually pays*  
 2           *in that fiscal year to officer candidates under section*  
 3           *203(f)(1) of such title (as so added).*

4           (b) *OFFICER CANDIDATE DEFINED.—In this section,*  
 5           *the term “officer candidate” has the meaning given the term*  
 6           *in section 212 of the National Oceanic and Atmospheric*  
 7           *Administration Commissioned Officer Corps Act of 2002*  
 8           *(33 U.S.C. 3002), as added by section 856(c).*

9   **SEC. 835. APPLICABILITY OF CERTAIN PROVISIONS OF**  
 10           **TITLE 10, UNITED STATES CODE, AND EXTEN-**  
 11           **SION OF CERTAIN AUTHORITIES APPLICABLE**  
 12           **TO MEMBERS OF THE ARMED FORCES TO**  
 13           **COMMISSIONED OFFICER CORPS.**

14           (a) *APPLICABILITY OF CERTAIN PROVISIONS OF TITLE*  
 15    10.—*Section 261(a) (33 U.S.C. 3071(a)) is amended—*

16           (1) *by redesignating paragraphs (13) through*  
 17           *(16) as paragraphs (20) through (23), respectively;*

18           (2) *by redesignating paragraphs (7) through (12)*  
 19           *as paragraphs (12) through (17), respectively;*

20           (3) *by redesignating paragraphs (4) through (6)*  
 21           *as paragraphs (8) through (10), respectively;*

22           (4) *by inserting after paragraph (3) the fol-*  
 23           *lowing:*

24           “(4) *Section 771, relating to unauthorized wear-*  
 25           *ing of uniforms.*”

1           “(5) Section 774, relating to wearing religious  
2       apparel while in uniform.

3           “(6) Section 982, relating to service on State  
4       and local juries.

5           “(7) Section 1031, relating to administration of  
6       oaths.”;

7           (5) by inserting after paragraph (10), as redesign-  
8       ated, the following:

9           “(11) Chapter 58, relating to the Benefits and  
10      Services for members being separated or recently sep-  
11      arated.”; and

12          (6) by inserting after paragraph (17), as redesign-  
13      ated, the following:

14          “(18) Subchapter I of chapter 88, relating to  
15      Military Family Programs.

16          “(19) Section 2005, relating to advanced edu-  
17      cation assistance, active duty agreements, and reim-  
18      bursement requirements.”.

19      (b) *EXTENSION OF CERTAIN AUTHORITIES.*—

20          (1) *NOTARIAL SERVICES.*—Section 1044a of title  
21      10, United States Code, is amended—

22              (A) in subsection (a)(1), by striking “armed  
23      forces” and inserting “uniformed services”; and

1                   (B) in subsection (b)(4), by striking “armed  
2                   forces” both places it appears and inserting  
3                   “uniformed services”.

4                   (2) *ACCEPTANCE OF VOLUNTARY SERVICES FOR*  
5                   *PROGRAMS SERVING MEMBERS AND THEIR FAMI-*  
6                   *LIES.—Section 1588 of such title is amended—*

7                   (A) in subsection (a)(3), by striking “armed  
8                   forces” and inserting “uniformed services”; and

9                   (B) by adding at the end the following new  
10                  subsection:

11               “(g) *SECRETARY CONCERNED FOR ACCEPTANCE OF*  
12               *SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA*  
13               *AND THEIR FAMILIES.—For purposes of the acceptance of*  
14               *services described in subsection (a)(3), the term ‘Secretary*  
15               *concerned’ in subsection (a) shall include the Secretary of*  
16               *Commerce with respect to members of the National Oceanic*  
17               *and Atmospheric Administration.”.*

18               (3) *CAPSTONE COURSE FOR NEWLY SELECTED*  
19               *FLAG OFFICERS.—Section 2153 of such title is*  
20               *amended—*

21               (A) in subsection (a)—

22                       (i) by inserting “or the commissioned  
23                       corps of the National Oceanic and Atmos-  
24                       pheric Administration” after “in the case of  
25                       the Navy”; and

1                   (ii) by striking “other armed forces”  
 2                   and inserting “other uniformed services”;  
 3                   and  
 4                   (B) in subsection (b)(1), by inserting “or  
 5                   the Secretary of Commerce, as applicable,” after  
 6                   “the Secretary of Defense”.

7 **SEC. 836. APPLICABILITY OF CERTAIN PROVISIONS OF**  
 8 **TITLE 37, UNITED STATES CODE.**

9           (a) *IN GENERAL.*—Subtitle E (33 U.S.C. 3071 et seq.)  
 10 is amended by inserting after section 261 the following:

11 **“SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF**  
 12 **TITLE 37, UNITED STATES CODE.**

13           “(a) *PROVISIONS MADE APPLICABLE TO COMMIS-*  
 14 *SIONED OFFICER CORPS.*—The provisions of law applicable  
 15 to the Armed Forces under the following provisions of title  
 16 37, United States Code, shall apply to the commissioned  
 17 officer corps of the Administration:

18                   “(1) Section 324, relating to accession bonuses  
 19 for new officers in critical skills.

20                   “(2) Section 403(f)(3), relating to prescribing  
 21 regulations defining the terms ‘field duty’ and ‘sea  
 22 duty’.

23                   “(3) Section 403(l), relating to temporary con-  
 24 tinuation of housing allowance for dependents of  
 25 members dying on active duty.



1           “(4) Section 414(a)(2), relating to personal  
2           money allowance while serving as Director of the Na-  
3           tional Oceanic and Atmospheric Administration  
4           Commissioned Officer Corps.

5           “(5) Section 488, relating to allowances for re-  
6           cruiting expenses.

7           “(6) Section 495, relating to allowances for fu-  
8           neral honors duty.

9           “(b) REFERENCES.—The authority vested by title 37,  
10          United States Code, in the ‘military departments’, ‘the Sec-  
11          retary concerned’, or ‘the Secretary of Defense’ with respect  
12          to the provisions of law referred to in subsection (a) shall  
13          be exercised, with respect to the commissioned officer corps  
14          of the Administration, by the Secretary of Commerce or the  
15          Secretary’s designee.”.

16          (b) CLERICAL AMENDMENT.—The table of sections in  
17          section 1 of the Act entitled “An Act to authorize the Hydro-  
18          graphic Services Improvement Act of 1998, and for other  
19          purposes” (Public Law 107–372) is amended by inserting  
20          after the item relating to section 261 the following:

          “Sec. 261A. Applicability of certain provisions of title 37, United States Code.”.

21       **SEC. 837. LEGION OF MERIT AWARD.**

22          Section 1121 of title 10, United States Code, is amend-  
23          ed by striking “armed forces” and inserting “uniformed  
24          services”.

1 **SEC. 838. PROHIBITION ON RETALIATORY PERSONNEL AC-**  
 2 **TIONS.**

3 (a) *IN GENERAL.*—Subsection (a) of section 261 (33  
 4 U.S.C. 3071), as amended by section 835, is further amend-  
 5 ed—

6 (1) *by redesignating paragraphs (8) through (23)*  
 7 *as paragraphs (9) through (24), respectively; and*

8 (2) *by inserting after paragraph (7) the fol-*  
 9 *lowing:*

10 “(8) Section 1034, relating to protected commu-  
 11 nications and prohibition of retaliatory personnel ac-  
 12 tions.”.

13 (b) *CONFORMING AMENDMENT.*—Subsection (b) of such  
 14 section is amended by adding at the end the following: “For  
 15 purposes of paragraph (8) of subsection (a), the term ‘In-  
 16 spector General’ in section 1034 of such title 10 shall mean  
 17 the Inspector General of the Department of Commerce.”.

18 (c) *REGULATIONS.*—Such section is further amended  
 19 by adding at the end the following:

20 “(c) *REGULATIONS REGARDING PROTECTED COMMU-*  
 21 *NICATIONS AND PROHIBITION OF RETALIATORY PER-*  
 22 *SONNEL ACTIONS.*—The Secretary may promulgate regula-  
 23 tions to carry out the application of section 1034 of title  
 24 10, United States Code, to the commissioned officer corps  
 25 of the Administration, including by promulgating such ad-  
 26 ministrative procedures for investigation and appeal with-

1 *in the commissioned officer corps as the Secretary considers*  
 2 *appropriate.”.*

3 **SEC. 839. PENALTIES FOR WEARING UNIFORM WITHOUT AU-**  
 4 **THORITY.**

5 *Section 702 of title 18, United States Code, is amended*  
 6 *by striking “Service or any” and inserting “Service, the*  
 7 *commissioned officer corps of the National Oceanic and At-*  
 8 *mospheric Administration, or any”.*

9 **SEC. 840. APPLICATION OF CERTAIN PROVISIONS OF COM-**  
 10 **PETITIVE SERVICE LAW.**

11 *Section 3304(f) of title 5, United States Code, is*  
 12 *amended—*

13 *(1) in paragraph (1), by inserting “and mem-*  
 14 *bers of the commissioned officer corps of the National*  
 15 *Oceanic and Atmospheric Administration (or its*  
 16 *predecessor organization the Coast and Geodetic Sur-*  
 17 *vey) separated from such uniformed service” after*  
 18 *“separated from the armed forces”;*

19 *(2) in paragraph (2), by striking “or veteran”*  
 20 *and inserting “, veteran, or member”; and*

21 *(3) in paragraph (4), by inserting “and mem-*  
 22 *bers of the commissioned officer corps of the National*  
 23 *Oceanic and Atmospheric Administration (or its*  
 24 *predecessor organization the Coast and Geodetic Sur-*

1      *vey) separated from such uniformed service” after*  
2      *“separated from the armed forces”.*

**3 SEC. 841. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

4        *Section 4303(16) of title 38, United States Code, is*  
5        *amended by inserting “the commissioned officer corps of the*  
6        *National Oceanic and Atmospheric Administration,” after*  
7        *“Public Health Service,”.*

8 **SEC. 842. TREATMENT OF COMMISSION IN COMMISSIONED**  
9 **OFFICER CORPS FOR PURPOSES OF CERTAIN**  
10 **HIRING DECISIONS.**

11 (a) *IN GENERAL.*—*Subtitle E (33 U.S.C. 3071 et seq.),*  
12 *as amended by this subtitle, is further amended by adding*  
13 *at the end the following:*

14 **“SEC. 269A. TREATMENT OF COMMISSION IN COMMIS-**  
15 **SIONED OFFICER CORPS AS EMPLOYMENT IN**  
16 **ADMINISTRATION FOR PURPOSES OF CER-**  
17 **TAIN HIRING DECISIONS.**

18       “(a) *IN GENERAL.*—In any case in which the Sec-  
19       retary accepts an application for a position of employment  
20       with the Administration and limits consideration of appli-  
21       cations for such position to applications submitted by indi-  
22       viduals serving in a career or career-conditional position  
23       in the competitive service within the Administration, the  
24       Secretary shall deem an officer who has served as an officer  
25       in the commissioned officer corps for at least 3 years to

1 *be serving in a career or career-conditional position in the*  
 2 *competitive service within the Administration for purposes*  
 3 *of such limitation.*

4 “(b) *CAREER APPOINTMENTS.*—*If the Secretary selects*  
 5 *an application submitted by an officer described in sub-*  
 6 *section (a) for a position described in such subsection, the*  
 7 *Secretary shall give such officer a career or career-condi-*  
 8 *tional appointment in the competitive service, as appro-*  
 9 *priate.*

10 “(c) *COMPETITIVE SERVICE DEFINED.*—*In this sec-*  
 11 *tion, the term ‘competitive service’ has the meaning given*  
 12 *the term in section 2102 of title 5, United States Code.”.*

13 (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 14 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 15 *graphic Services Improvement Act of 1998, and for other*  
 16 *purposes” (Public Law 107–372) is amended by inserting*  
 17 *after the item relating to section 269, as added by this sub-*  
 18 *title, the following new item:*

“Sec. 269A. *Treatment of commission in commissioned officer corps as employ-*  
*ment in Administration for purposes of certain hiring deci-*  
*sions.”.*

19 **SEC. 843. DIRECT HIRE AUTHORITY.**

20 (a) *IN GENERAL.*—*The head of a Federal agency may*  
 21 *appoint, without regard to the provisions of subchapter I*  
 22 *of chapter 33 of title 5, United States Code, other than sec-*  
 23 *tions 3303 and 3328 of such title, a qualified candidate de-*  
 24 *scribed subsection (b) directly to a position in the agency*

1 *for which the candidate meets qualification standards of the*  
 2 *Office of Personnel Management.*

3 (b) *CANDIDATES DESCRIBED.*—*A candidate described*  
 4 *in this subsection is a current or former member of the com-*  
 5 *missioned officer corps of the National Oceanic and Atmos-*  
 6 *pheric Administration who—*

7 (1) *fulfilled his or her obligated service require-*  
 8 *ment under section 216 of the National Oceanic and*  
 9 *Atmospheric Administration Commissioned Officer*  
 10 *Corps Act of 2002, as added by section 823;*

11 (2) *if no longer a member of the commissioned*  
 12 *officer corps of the Administration, was discharged or*  
 13 *released therefrom; and*

14 (3) *has been separated or released from service in*  
 15 *the commissioned officer corps of the Administration*  
 16 *for a period of not more than 5 years.*

17 (c) *EFFECTIVE DATE.*—*This section shall apply with*  
 18 *respect to appointments made in fiscal year 2016 and in*  
 19 *each fiscal year thereafter.*

20 **PART III—APPOINTMENTS AND PROMOTION OF**  
 21 **OFFICERS**

22 **SEC. 851. APPOINTMENTS.**

23 (a) *ORIGINAL APPOINTMENTS.*—

24 (1) *IN GENERAL.*—*Section 221 (33 U.S.C. 3021)*  
 25 *is amended to read as follows:*

1 **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-**  
2 **MENTS.**

3 “(a) *ORIGINAL APPOINTMENTS.*—

4 “(1) *GRADES.*—

5 “(A) *IN GENERAL.*—*Except as provided in*  
6 *subparagraph (B), an original appointment of*  
7 *an officer may be made in such grades as may*  
8 *be appropriate for—*

9 “(i) *the qualification, experience, and*  
10 *length of service of the appointee; and*

11 “(ii) *the commissioned officer corps of*  
12 *the Administration.*

13 “(B) *APPOINTMENT OF OFFICER CAN-*  
14 *DIDATES.*—

15 “(i) *LIMITATION ON GRADE.*—*An origi-*  
16 *nal appointment of an officer candidate,*  
17 *upon graduation from the basic officer*  
18 *training program of the commissioned offi-*  
19 *cer corps of the Administration, may not be*  
20 *made in any other grade than ensign.*

21 “(ii) *RANK.*—*Officer candidates receiv-*  
22 *ing appointments as ensigns upon gradua-*  
23 *tion from basic officer training program*  
24 *shall take rank according to their pro-*  
25 *ficiency as shown by the order of their merit*  
26 *at date of graduation.*

1           “(2) *SOURCE OF APPOINTMENTS.*—*An original*  
2           *appointment may be made from among the following:*

3                   “(A) *Graduates of the basic officer training*  
4                   *program of the commissioned officer corps of the*  
5                   *Administration.*

6                   “(B) *Graduates of the military service*  
7                   *academies of the United States who otherwise*  
8                   *meet the academic standards for enrollment in*  
9                   *the training program described in subparagraph*  
10                  *(A).*

11                  “(C) *Graduates of the maritime academies*  
12                  *of the States who—*

13                          “(i) *otherwise meet the academic*  
14                          *standards for enrollment in the training*  
15                          *program described in subparagraph (A);*

16                          “(ii) *completed at least 3 years of regi-*  
17                          *mented training while at a maritime acad-*  
18                          *emy of a State; and*

19                          “(iii) *obtained an unlimited tonnage*  
20                          *or unlimited horsepower Merchant Mariner*  
21                          *Credential from the United States Coast*  
22                          *Guard.*

23                  “(D) *Licensed officers of the United States*  
24                  *merchant marine who have served 2 or more*  
25                  *years aboard a vessel of the United States in the*



1       *capacity of a licensed officer, who otherwise meet*  
 2       *the academic standards for enrollment in the*  
 3       *training program described in subparagraph*  
 4       *(A).*

5       “(3) *DEFINITIONS.—In this subsection:*

6               “(A) *MARITIME ACADEMIES OF THE*  
 7       *STATES.—The term ‘maritime academies of the*  
 8       *States’ means the following:*

9                       “(i) *California Maritime Academy,*  
 10                      *Vallejo, California.*

11                     “(ii) *Great Lakes Maritime Academy,*  
 12                     *Traverse City, Michigan.*

13                    “(iii) *Maine Maritime Academy,*  
 14                    *Castine, Maine.*

15                    “(iv) *Massachusetts Maritime Acad-*  
 16                    *emy, Buzzards Bay, Massachusetts.*

17                    “(v) *State University of New York*  
 18                    *Maritime College, Fort Schuyler, New York.*

19                    “(vi) *Texas A&M Maritime Academy,*  
 20                    *Galveston, Texas.*

21               “(B) *MILITARY SERVICE ACADEMIES OF*  
 22       *THE UNITED STATES.—The term ‘military serv-*  
 23       *ice academies of the United States’ means the*  
 24       *following:*

1                   “(i) *The United States Military Acad-*  
2                   *emy, West Point, New York.*

3                   “(ii) *The United States Naval Acad-*  
4                   *emy, Annapolis, Maryland.*

5                   “(iii) *The United States Air Force*  
6                   *Academy, Colorado Springs, Colorado.*

7                   “(iv) *The United States Coast Guard*  
8                   *Academy, New London, Connecticut.*

9                   “(v) *The United States Merchant Ma-*  
10                  *rine Academy, Kings Point, New York.*

11               “(b) *REAPPOINTMENT.*—

12               “(1) *IN GENERAL.*—*Except as provided in para-*  
13               *graph (2), an individual who previously served in the*  
14               *commissioned officer corps of the Administration may*  
15               *be appointed by the Secretary to the grade the indi-*  
16               *vidual held prior to separation.*

17               “(2) *REAPPOINTMENTS TO HIGHER GRADES.*—  
18               *An appointment under paragraph (1) to a position of*  
19               *importance and responsibility designated under sec-*  
20               *tion 228 may only be made by the President.*

21               “(c) *QUALIFICATIONS.*—*An appointment under sub-*  
22               *section (a) or (b) may not be given to an individual until*  
23               *the individual’s mental, moral, physical, and professional*  
24               *fitness to perform the duties of an officer has been estab-*

lished under such regulations as the Secretary shall prescribe.

“(d) *PRECEDENCE OF APPOINTEES.*—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

“(e) *INTER-SERVICE TRANSFERS.*—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

“(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

“(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.”.

(2) *CLERICAL AMENDMENT.*—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–

1       372) is amended by striking the item relating to sec-  
 2       tion 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”.

3   **SEC. 852. PERSONNEL BOARDS.**

4       Section 222 (33 U.S.C. 3022) is amended to read as  
 5 follows:

6   **“SEC. 222. PERSONNEL BOARDS.**

7       “(a) CONVENING.—Not less frequently than once each  
 8 year and at such other times as the Secretary determines  
 9 necessary, the Secretary shall convene a personnel board.

10      “(b) MEMBERSHIP.—

11           “(1) IN GENERAL.—A board convened under sub-  
 12 section (a) shall consist of 5 or more officers who are  
 13 serving in or above the permanent grade of the offi-  
 14 cers under consideration by the board.

15           “(2) RETIRED OFFICERS.—Officers on the retired  
 16 list may be recalled to serve on such personnel boards  
 17 as the Secretary considers necessary.

18           “(3) NO MEMBERSHIP ON 2 SUCCESSIVE  
 19 BOARDS.—No officer may be a member of 2 successive  
 20 personnel boards convened to consider officers of the  
 21 same grade for promotion or separation.

22      “(c) DUTIES.—Each personnel board shall—

23           “(1) recommend to the Secretary such changes as  
 24 may be necessary to correct any erroneous position on

1       *the lineal list that was caused by administrative*  
 2       *error; and*

3               “(2) *make selections and recommendations to the*  
 4       *Secretary and the President for the appointment, pro-*  
 5       *motion, involuntary separation, continuation, and*  
 6       *involuntary retirement of officers in the commissioned*  
 7       *officer corps of the Administration as prescribed in*  
 8       *this title.*

9       “(d) *ACTION ON RECOMMENDATIONS NOT ACCEPT-*  
 10    *ABLE.—If any recommendation by a board convened under*  
 11    *subsection (a) is not accepted by the Secretary or the Presi-*  
 12    *dent, the board shall make such further recommendations*  
 13    *as the Secretary or the President considers appropriate.”.*

14    **SEC. 853. DELEGATION OF AUTHORITY.**

15       *Section 226 (33 U.S.C. 3026) is amended—*

16               (1) *by striking “Appointments” and inserting*  
 17       *the following:*

18       “(a) *IN GENERAL.—Appointments*”; *and*

19               (2) *by adding at the end the following:*

20       “(b) *DELEGATION OF APPOINTMENT AUTHORITY.—If*  
 21    *the President delegates authority to the Secretary to make*  
 22    *appointments under this section, the President shall, during*  
 23    *a period in which the position of the Secretary is vacant,*  
 24    *delegate such authority to the Deputy Secretary of Com-*

1 *merce or the Under Secretary for Oceans and Atmosphere*  
 2 *during such period.”.*

3 **SEC. 854. ASSISTANT ADMINISTRATOR OF THE OFFICE OF**  
 4 **MARINE AND AVIATION OPERATIONS.**

5 *Section 228(c) (33 U.S.C. 3028(c)) is amended—*

6 *(1) in the fourth sentence, by striking “Director”*  
 7 *and inserting “Assistant Administrator”; and*

8 *(2) in the heading, by inserting “ASSISTANT AD-*  
 9 *MINISTRATOR OF THE” before “OFFICE”.*

10 **SEC. 855. TEMPORARY APPOINTMENTS.**

11 *(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is*  
 12 *amended to read as follows:*

13 **“SEC. 229. TEMPORARY APPOINTMENTS.**

14 *“(a) APPOINTMENTS BY PRESIDENT.—Temporary ap-*  
 15 *pointments in the grade of ensign, lieutenant junior grade,*  
 16 *or lieutenant may be made by the President.*

17 *“(b) TERMINATION.—A temporary appointment to a*  
 18 *position under subsection (a) shall terminate upon ap-*  
 19 *proval of a permanent appointment for such position made*  
 20 *by the President.*

21 *“(c) ORDER OF PRECEDENCE.—Appointees under sub-*  
 22 *section (a) shall take precedence in the grade to which ap-*  
 23 *pointed in accordance with the dates of their appointments*  
 24 *as officers in such grade. The order of precedence of ap-*

1 *pointees who are appointed on the same date shall be deter-*  
 2 *mined by the Secretary.*

3       “(d) *ANY ONE GRADE.*—When determined by the Sec-  
 4 *retary to be in the best interest of the commissioned officer*  
 5 *corps, officers in any permanent grade may be temporarily*  
 6 *promoted one grade by the President. Any such temporary*  
 7 *promotion terminates upon the transfer of the officer to a*  
 8 *new assignment.*

9       “(e) *DELEGATION OF APPOINTMENT AUTHORITY.*—If  
 10 *the President delegates authority to the Secretary to make*  
 11 *appointments under this section, the President shall, during*  
 12 *a period in which the position of the Secretary is vacant,*  
 13 *delegate such authority to the Deputy Secretary of Com-*  
 14 *merce or the Under Secretary for Oceans and Atmosphere*  
 15 *during such period.”.*

16       “(b) *CLERICAL AMENDMENT.*—The table of sections in  
 17 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 18 *graphic Services Improvement Act of 1998, and for other*  
 19 *purposes” (Public Law 107–372) is amended by striking*  
 20 *the item relating to section 229 and inserting the following:*

“Sec. 229. *Temporary appointments.*”.

21 **SEC. 856. OFFICER CANDIDATES.**

22       “(a) *IN GENERAL.*—Subtitle B (33 U.S.C. 3021 *et seq.*)  
 23 *is amended by adding at the end the following:*

1 **“SEC. 234. OFFICER CANDIDATES.**

2       “(a) *DETERMINATION OF NUMBER.*—*The Secretary*  
3 *shall determine the number of appointments of officer can-*  
4 *didates.*

5       “(b) *APPOINTMENT.*—*Appointment of officer can-*  
6 *didates shall be made under regulations which the Secretary*  
7 *shall prescribe, including regulations with respect to deter-*  
8 *mining age limits, methods of selection of officer candidates,*  
9 *term of service as an officer candidate before graduation*  
10 *from the program, and all other matters affecting such ap-*  
11 *pointment.*

12       “(c) *DISMISSAL.*—*The Secretary may dismiss from the*  
13 *basic officer training program of the Administration any*  
14 *officer candidate who, during the officer candidate’s term*  
15 *as an officer candidate, the Secretary considers unsatisfac-*  
16 *tory in either academics or conduct, or not adapted for a*  
17 *career in the commissioned officer corps of the Administra-*  
18 *tion. Officer candidates shall be subject to rules governing*  
19 *discipline prescribed by the Director of the National Oce-*  
20 *anic and Atmospheric Administration Commissioned Offi-*  
21 *cer Corps.*

22       “(d) *AGREEMENT.*—

23               “(1) *IN GENERAL.*—*Each officer candidate shall*  
24 *sign an agreement with the Secretary in accordance*  
25 *with section 216(a)(2) regarding the officer can-*



1        *didate's term of service in the commissioned officer*  
 2        *corps of the Administration.*

3                *“(2) ELEMENTS.—An agreement signed by an of-*  
 4        *ficer candidate under paragraph (1) shall provide*  
 5        *that the officer candidate agrees to the following:*

6                *“(A) That the officer candidate will com-*  
 7        *plete the course of instruction at the basic officer*  
 8        *training program of the Administration.*

9                *“(B) That upon graduation from the such*  
 10       *program, the officer candidate—*

11               *“(i) will accept an appointment, if*  
 12       *tendered, as an officer; and*

13               *“(ii) will serve on active duty for at*  
 14       *least 4 years immediately after such ap-*  
 15       *pointment.*

16        *“(e) REGULATIONS.—The Secretary shall prescribe*  
 17       *regulations to carry out this section. Such regulations shall*  
 18       *include—*

19               *“(1) standards for determining what constitutes*  
 20       *a breach of an agreement signed under such sub-*  
 21       *section (d)(1); and*

22               *“(2) procedures for determining whether such a*  
 23       *breach has occurred.*

24        *“(f) REPAYMENT.—An officer candidate or former offi-*  
 25       *cer candidate who does not fulfill the terms of the obligation*

1 *to serve as specified under section (d) shall be subject to*  
 2 *the repayment provisions of section 216(b).”.*

3 *(b) CLERICAL AMENDMENT.—The table of sections in*  
 4 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 5 *graphic Services Improvement Act of 1998, and for other*  
 6 *purposes” (Public Law 107–372) is amended by inserting*  
 7 *after the item relating to section 233 the following:*

*“Sec. 234. Officer candidates.”.*

8 *(c) OFFICER CANDIDATE DEFINED.—Section 212(b)*  
 9 *(33 U.S.C. 3002(b)) is amended—*

10 *(1) by redesignating paragraphs (4) through (6)*  
 11 *as paragraphs (5) through (7), respectively; and*

12 *(2) by inserting after paragraph (3) the fol-*  
 13 *lowing:*

14 *“(4) OFFICER CANDIDATE.—The term ‘officer*  
 15 *candidate’ means an individual who is enrolled in the*  
 16 *basic officer training program of the Administration*  
 17 *and is under consideration for appointment as an of-*  
 18 *ficer under section 221(a)(2)(A).”.*

19 *(d) PAY FOR OFFICER CANDIDATES.—Section 203 of*  
 20 *title 37, United States Code, is amended by adding at the*  
 21 *end the following:*

22 *“(f)(1) An officer candidate enrolled in the basic officer*  
 23 *training program of the commissioned officer corps of the*  
 24 *National Oceanic and Atmospheric Administration is enti-*  
 25 *tled, while participating in such program, to monthly offi-*

1 cer candidate pay at monthly rate equal to the basic pay  
 2 of an enlisted member in the pay grade E-5 with less than  
 3 2 years service.

4 “(2) An individual who graduates from such program  
 5 shall receive credit for the time spent participating in such  
 6 program as if such time were time served while on active  
 7 duty as a commissioned officer. If the individual does not  
 8 graduate from such program, such time shall not be consid-  
 9 ered creditable for active duty or pay.”.

10 **SEC. 857. PROCUREMENT OF PERSONNEL.**

11 (a) *IN GENERAL.*—Subtitle B (33 U.S.C. 3021 et seq.),  
 12 as amended by section 856(a), is further amended by add-  
 13 ing at the end the following:

14 **“SEC. 235. PROCUREMENT OF PERSONNEL.**

15 “The Secretary may make such expenditures as the  
 16 Secretary considers necessary in order to obtain recruits for  
 17 the commissioned officer corps of the Administration, in-  
 18 cluding advertising.”.

19 (b) *CLERICAL AMENDMENT.*—The table of sections in  
 20 section 1 of the Act entitled “An Act to authorize the Hydro-  
 21 graphic Services Improvement Act of 1998, and for other  
 22 purposes” (Public Law 107-372), as amended by section  
 23 856(b), is further amended by inserting after the item relat-  
 24 ing to section 234 the following:

“235. Procurement of personnel.”.

1     **PART IV—SEPARATION AND RETIREMENT OF**  
 2                                   **OFFICERS**

3     **SEC. 861. INVOLUNTARY RETIREMENT OR SEPARATION.**

4         *Section 241 (33 U.S.C. 3041) is amended by adding*  
 5     *at the end the following:*

6         “(d) *DEFERMENT OF RETIREMENT OR SEPARATION*  
 7     *FOR MEDICAL REASONS.—*

8             “(1) *IN GENERAL.—If the Secretary determines*  
 9         *that the evaluation of the medical condition of an of-*  
 10        *ficer requires hospitalization or medical observation*  
 11        *that cannot be completed with confidence in a man-*  
 12        *ner consistent with the officer’s well being before the*  
 13        *date on which the officer would otherwise be required*  
 14        *to retire or be separated under this section, the Sec-*  
 15        *retary may defer the retirement or separation of the*  
 16        *officer.*

17            “(2) *CONSENT REQUIRED.—A deferment may*  
 18        *only be made with the written consent of the officer*  
 19        *involved. If the officer does not provide written con-*  
 20        *sent to the deferment, the officer shall be retired or*  
 21        *separated as scheduled.*

22            “(3) *LIMITATION.—A deferral of retirement or*  
 23        *separation under this subsection may not extend for*  
 24        *more than 30 days after completion of the evaluation*  
 25        *requiring hospitalization or medical observation.”.*

1 **SEC. 862. SEPARATION PAY.**

2 *Section 242 (33 U.S.C. 3042) is amended by adding*  
 3 *at the end the following:*

4 *“(d) EXCEPTION.—An officer discharged for twice fail-*  
 5 *ing selection for promotion to the next higher grade is not*  
 6 *entitled to separation pay under this section if the officer—*

7 *“(1) expresses a desire not to be selected for pro-*  
 8 *motion; or*

9 *“(2) requests removal from the list of selectees.”.*

10 ***Subtitle C—Hydrographic Services***

11 **SEC. 871. REAUTHORIZATION OF HYDROGRAPHIC SERVICES**

12 **IMPROVEMENT ACT OF 1998.**

13 *(a) REAUTHORIZATIONS.—Section 306 of the Hydro-*  
 14 *graphic Services Improvement Act of 1998 (33 U.S.C. 892d)*  
 15 *is amended—*

16 *(1) in the matter before paragraph (1), by strik-*  
 17 *ing “There are” and inserting the following:*

18 *“(a) IN GENERAL.—There are”;*

19 *(2) in subsection (a) (as designated by para-*  
 20 *graph (1))—*

21 *(A) in paragraph (1), by striking “sur-*  
 22 *veys—” and all that follows through the end of*  
 23 *the paragraph and inserting “surveys,*  
 24 *\$70,814,000 for each of fiscal years 2016 through*  
 25 *2020.”;*

1           *(B) in paragraph (2), by striking “vessels—*  
 2           *” and all that follows through the end of the*  
 3           *paragraph and inserting “vessels, \$25,000,000*  
 4           *for each of fiscal years 2016 through 2020.”;*

5           *(C) in paragraph (3), by striking “Admin-*  
 6           *istration—” and all that follows through the end*  
 7           *of the paragraph and inserting “Administration,*  
 8           *\$29,932,000 for each of fiscal years 2016 through*  
 9           *2020.”;*

10           *(D) in paragraph (4), by striking “title—*  
 11           *” and all that follows through the end of the*  
 12           *paragraph and inserting “title, \$26,800,000 for*  
 13           *each of fiscal years 2016 through 2020.”; and*

14           *(E) in paragraph (5), by striking “title—*  
 15           *” and all that follows through the end of the*  
 16           *paragraph and inserting “title, \$30,564,000 for*  
 17           *each of fiscal years 2016 through 2020.”; and*

18           *(3) by adding at the end the following:*

19           *“(b) ARCTIC PROGRAMS.—Of the amount authorized*  
 20           *by this section for each fiscal year—*

21           *“(1) \$10,000,000 is authorized for use—*

22           *“(A) to acquire hydrographic data;*

23           *“(B) to provide hydrographic services;*

24           *“(C) to conduct coastal change analyses nec-*  
 25           *essary to ensure safe navigation;*

1                   “(D) to improve the management of coastal  
2                   change in the Arctic; and

3                   “(E) to reduce risks of harm to Alaska Na-  
4                   tive subsistence and coastal communities associ-  
5                   ated with increased international maritime traf-  
6                   fic; and

7                   “(2) \$2,000,000 is authorized for use to acquire  
8                   hydrographic data and provide hydrographic services  
9                   in the Arctic necessary to delineate the United States  
10                  extended Continental Shelf.”.

11               (b) *LIMITATION ON ADMINISTRATIVE EXPENSES FOR*  
12 *SURVEYS.*—Section 306 of such Act (33 U.S.C. 892d) is fur-  
13 ther amended by adding at the end the following:

14               “(c) *LIMITATION ON ADMINISTRATIVE EXPENSES FOR*  
15 *SURVEYS.*—Of amounts authorized by this section for each  
16 fiscal year for contract hydrographic surveys, not more than  
17 5 percent is authorized for administrative costs associated  
18 with contract management.”.

Calendar No. 517

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 2829**

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**A BILL**

To amend and enhance certain maritime programs of the Department of Transportation, and for other purposes.

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JUNE 14, 2016

Reported with an amendment